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# P R O C E E D I N G S

of the

SELECT COMMITTEE APPOINTED BY THE LEGISLATURE  
OF THE PROVINCE OF ONTARIO, TO ENQUIRE INTO  
AND REVIEW THE CEMETERY ACT AND REGULATIONS  
MADE THEREUNDER.



Mr. J. N. Allan, Chairman, Presiding.

Mr. John Scott, Secretary.



## VOLUME VIII

Tuesday, November 3, 1953.

Guelph and Brantford, Ontario.

(Mrs) J. A. Wilde,  
Official Reporter,  
Parliament Buildings,  
Toronto, Ontario.







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E I G H T H      D A Y

Municipal Reference

Guelph, Ontario,  
Tuesday, November 3rd, 1953,  
10:00 o'clock, a.m.

- - - - -

The further proceedings of this Committee  
reconvened pursuant to adjournment.

PRESENT:

Mr. James N. Allan,      Chairman,  
   Presiding.

Messrs. Root,

Sandercock,

Whitney,

Allen (Middlesex South),

Hall,

Hanna,

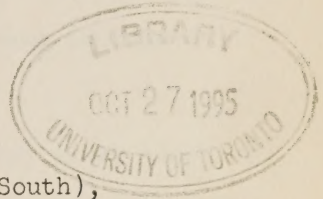
Gordon,

Thomas (Ontario).

Doctor Berry,      Advisor, Department of Health.

Mr. Walker,      Counsel for the Committee.

Mr. John Scott, Secretary.



APPEARANCES:

Mr. David D. Gray,	)	
Mr. Wm. G. Tilden,	)	Special Pioneer
Mr. G. Burt,	)	Committee of the
Mr. Wm. Keith,	)	County of Wellington.
Mr. A. A. Badley	)	
	)	

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Mr. Rowland,                      Warden, County of  
Wellington.

Mr. Wilfred West,

Mr. Cox,

Mr. Neil McKinnon, (Hillsburg)

Mr. Harvey Deering,

Doctor Dale.

- - - - -

THE CHAIRMAN: Gentlemen, I wish first to thank you, Mr. Warden, for the very lovely arrangement you have made for us this morning in this beautiful old court room.

I always have a tender spot in my heart for Guelph. I think that is where my grandfather settled when he first arrived in Canada. My Dad always used to tell me that the stone that is over the door of the Town Hall was cut by my grandfather in one of the quarries nearby. I do not know whether it is still there, but I think so.

We were interested in coming to Wellington County for this reason -- and I hope you will not misunderstand our interest -- when this Committee was appointed, there was considerable enquiry from persons who have a great respect for the burying places of the pioneers of this province, and unfortunately, under

Mr. Howland,  
Mr. Wilfred Wood,  
Mr. Cox,  
Mr. Neil McInnes, (Millarburg)  
Mr. Harvey Deering,  
Doctor Dale.

THE CHAIRMAN: Gentlemen, I wish first to  
thank you, Mr. Wilson, for the very lovely arrange-  
ment you have made for us this morning in this  
beautiful old court room.

I always have a tender spot in my heart for  
Quebec. I think that is where my grandfather settled  
when he first arrived in Canada. My father always used to  
tell me that the room that is over the door of the  
Town Hall was cut by my grandfather in one of the  
quarries nearby. I do not know whether it is still  
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We were interested in coming to Wellington  
County for this reason -- and I hope you will not mis-  
understand our interest -- when this Committee was  
appointed, there was considerable enquiry from persons  
who have a great respect for the historic places of  
the province of this province, and unfortunately, under



some conditions, these cemeteries have been neglected to the extent that they are now abandoned, and others are neglected, even though they are still in use.

I am sure this Committee has realized from its work so far that the problem of abandoned cemeteries is quite a problem, and certainly they do not have the answer at the present time from the information they have gathered from various hearings throughout the province.

We understand that you in Wellington County have thought likewise, and you have tried to do something about this. I do not know how successful you have been, whether you have been successful, or whether you have been unsuccessful, but this Committee felt they could learn a great deal from your Committee who have undertaken this work in a practical way, and have either been successful or unsuccessful. Certainly you have discovered the problems which beset such an effort.

We have come to you this morning, hoping you will tell us what you know, the opinions which have been formed from your experience, and we want to assure you that any help which you can give this Committee will be appreciated, because the abandoned cemeteries everywhere, not only in this province, but





in other provinces, is a very great problem.

We have found in the United States, in the States of New York and New Jersey, they have exactly the same problem which we have in the Province of Ontario, the problem of a practical means of doing something with these cemeteries, which will please those who have a great respect for our pioneer burying grounds.

We find the respect is almost a religion in some cases, while others feel there is not the necessity for some -- shall I say -- "sacred" respect. Some feel it is a practical thing, that the memory of those men and women should be preserved, but perhaps in a different way.

So now, if the one you have chosen to tell us something of the work of your Committee in the County of Wellington, will speak, we will be very pleased to hear it.

I would like to introduce this Committee to the present Committee here: the Warden of Wellington County, Mr. Rowland, the Chairman of the Committee, Mr. Badley, Mr. "Bill" Keith, Mr. Gray, members of the Committee.

If you would just care to sit down and make this discussion quite informal, we would be



very happy.

MR. ROWLAND: Mr. Chairman, and members of this Select Committee, as Warden of Wellington County, it affords me a great deal of pleasure to welcome you to Wellington County and to extend to you a very warm welcome.

We feel it is quite an honour that you decided to visit this County, and I would like now to extend an invitation to the Select Committee to have luncheon after your deliberations are over, at the Royal Hotel, with us.

I think next I would like to again introduce Mr. Badley as Chairman of the cemetery Committee.

THE CHAIRMAN: Thank you very much. I assure you we will be very happy to accept your hospitality. We have on our Committee, the member for part of Wellington, Mr. John Root. Perhaps he would like to introduce the members of this Committee to you, so we will all know each other.

---Mr. Root introduces members of the Select Committee to members of the Guelph cemetery.

THE CHAIRMAN: We will now hear from Mr. Badley.





MR. A. A. BADLEY,

Chairman, Special Pioneer Committee of the County of Wellington, appearing before the Committee, but not being sworn, deposes and says:

THE DEPONENT: Mr. Chairman and gentlemen: this is our submission by the Special Pioneer Committee of the County of Wellington to the Select Committee of the Legislature on the Cemeteries Act and related matters.

For the benefit of the members, the gentleman who just came in is ex-member, Mr. "Bill" Tilden, We have one further member, who is not present. This is our Committee, which has been functioning for three years.

It is quite a lengthy document and if anyone cares to interrupt and ask any questions or stop for discussion, if you will just interrupt us, we will be very happy to go along with that.

" The interest and attention of our Committee is directed entirely to those properties which are described in the Cemeteries Act under Section 38, R.S.O.1950, Chapter 46, as follows:-

'Where the owner of a cemetery cannot be found, or is unknown, or is unable to maintain





it' and so on: and in which are buried those who may be considered to be Pioneers in this County, without defining too closely the word 'pioneer'.

"In most cases the properties with which we are concerned are quite small in area, and have been unused for many years, and appear to have been uncared-for for a long time as well. So far as we are aware it seems to be agreed by everyone that something should be done about such properties by some person or authority other than the one then commenting on the problem. In this, we think the County of Wellington is not at all unusual since we understand the same situation exists generally throughout the province.

"The County of Wellington does appear to be unusual, however, in that a serious effort has been made, at the County level, to encourage and promote the rehabilitation and continuing care of Pioneer Cemeteries throughout the County. Despite many failures and discouragements encountered by those engaged in this effort, it is felt that much good has been accomplished to date and that much more can be accomplished in the near future under proper encouragement and



authority.

"In our efforts to date, futile as they often appear, we find a good deal of interest and anxiety felt, by a great many people in our work, and it is hoped the interest may crystallize finally in general action which will go far to dispel the anxiety. This same feeling of combined interest and anxiety apparently existed in 1932, and probably previously for many years, when the legislation resulting in the formation of a County Cemetery Commission brought these comments:-

From the Warden's Address to Council in  
January, 1932:-

'The Cemetery Act 1931 is now in force and provides for the appointment of a Cemetery Commission in each County.....It will therefore be your duty to appoint two members at this session.

The Commission will be charged with the general supervision of cemeteries and burying grounds in the County and will be vested with wide powers in carrying out their duties under the Act which should do much toward the improvement and beautification of the burying grounds of our forefathers, the





pioneers of this Country, whose last resting places have in many cases been sadly neglected. The Commission may compel the Municipality to maintain cemeteries where the owners can not be found, or are unknown, or unable to maintain them.'

From the Report of the Special Committee of the Warden's Address in January, 1932:-

'We are pleased to note that action has been taken to look after our neglected cemeteries and that they will be looked after in future.'

From the Report of the Cemetery Commission, December, 1932:-

'..... visited every Cemetery we could find in the County and classified them under three headings which are shown..... hereunder:-

<u>EXCELLENT</u>	<u>FAIR</u>	<u>BAD</u>	<u>TOTAL</u>
16	50	29	95

'The Commission feels that the 29 Cemeteries that are in bad condition should get attention by the owners where they can be found or by the Council where they can not be found.'

The first part of the paper discusses the importance of the  
 research and the objectives of the study. It also outlines the  
 methodology used in the study and the results of the research.  
 The second part of the paper discusses the findings of the study  
 and the implications of the research. It also discusses the  
 limitations of the study and the need for further research.  
 The third part of the paper discusses the conclusions of the study  
 and the recommendations for future research. It also discusses  
 the significance of the research and the contribution of the study  
 to the field of research.



"The Commission appointed at that time in this County, with some changes in personnel, took its duties very seriously and accomplished a great deal of good. Unfortunately, it appears to have been permitted to act for only a relatively short time and was finally disbanded due to changing legislation. We have access to many of the records of the Commission and we are convinced many Pioneer Cemeteries now in a condition of complete neglect would have been reclaimed long ago had the Commission been permitted to remain in operation. We desire to pay a sincere tribute to the men who served on that Commission and especially to the Chairman, the late John L. Carter, Esq.

"In 1950, the Association of Ex-Wardens of the County of Wellington, after a good deal of prior study and discussion, appealed to the County Council to take some action to ensure the rehabilitation and continuing care of all abandoned and neglected Pioneer Cemeteries in the County. The appeal was most eloquently presented by two Ex-Wardens, Mr. W. H. Heppler and the late Mr. Duncan Sinclair, and was supported by a Resolution from the Association



of Ex-Chairman of the Road Committee.

"County Council acted on the appeal, so eloquently presented, and appointed a Special Committee to survey the situation and report back to Council. In its survey the Special Committee found that upwards of fifty properties were classed as 'abandoned and neglected' or worse, by the authorities of the local municipalities in which they were located. The Committee reported back to County Council as directed and we beg to quote the report given at that time, in full, as follows:-

THE CHAIRMAN: I wonder if I might interrupt you there and just clear up something. We noticed that in the first survey, which was made in 1932, you found 29 bad, and in this survey, you found 50 bad.

THE DEPONENT: In the intervening eighteen years, perhaps this happened: in the first report, there were 50 Fair, 1932. It was revised again in 1950, and that could account for the increase in the total from 29 to 50.

BY THE CHAIRMAN:

Q It does not look as if much progress was being made, does it?





A           No. As you gentlemen are well aware, this legislation which permitted the setting up of this Committee in Wellington County by County Council in 1932 was more or less abolished.

Q           How far did they get in Wellington? Were any cemeteries taken over by municipalities? Did they encourage it and sell the idea of some of them being taken over by municipalities or not?

A           We will come to one which was actually taken over.

Q           Only one?

A           Only one, but that does not show the true picture because I know they worked very hard, just as the present Committee of my own has worked.

Q           I was not criticizing the work they had done, but in some counties at that time, the local municipality did take over some of the abandoned cemeteries due to the work of that Committee, and I think those committees, as a whole, did perform a service.

A           As far as I know, just one was taken over.

MR. ROWLAND: One in particular, Mr. Chairman. The records show instances of that in two other municipalities, but apparently they did not remain active for a sufficient length of time to permit them to follow through. In one case, that particularly



stands out in my memory ,      their campaign succeeded in recuperating tombstones from a man's yard where they were being used, and having them replaced on the property, providing memorial care and a suitable plaque which unfortunately has since been stolen by vandals.

They did have a complete change-over in one case, and others are in the process of that operation. But judging by our figures, they have not been carried sufficiently far to include them in the total.

THE DEPOnent: This is the first report of the Special Committee made to the County Council:

"To date sixteen municipalities within the County have replied to your letters of enquiry and we have listed forty-seven cemeteries in need of care and attention. It is hoped replies may be received from the remaining five municipalities in the very near future.

"It is to be noted that some municipalities report a relatively large number of cemeteries for our consideration, while others list very few, and some none at all. This circumstance suggests that an effort should be made within each local municipality to provide and to continue, locally, the care and attention which now may be lacking.





"In examining some of the properties listed we were deeply shocked at the conditions found and in other cases we were greatly impressed with improvements which have been carried out. It is our considered opinion that all Pioneer Cemeteries should be preserved for all time as memorials to the early settlers of this County, and we trust it may be possible to devise some means whereby such preservation may be assured without exception.

"We desire to bring to your favourable attention a great deal of most excellent work done at many and various points throughout the County, although it is not intended that the following is a complete record by any means.

"In particular, mention should be made of the magnificent work carried on for years in the vicinity of Crieff by the late Colonel John Bayne MacLean. It is greatly to be desired that this work may be perpetuated in tribute to a great man.

"Some years ago, the McCormack Cemetery on your Road 75 was reclaimed in a most excellent manner by local effort but it now appears that no provision was made for continuing maintenance,



and we strongly urge that some regular and repeated annual work be done in such instances.

"More recently a cairn was erected in the Rockwood Cemetery in commemoration of the Pioneers of three properties, and we understand perpetual care and memory is thus assured.

"For some years the Bethel Cemetery in Arthur Township has been recognized as a demonstration of the most impressive results to be obtained by continuing care and attention.

"Quite recently, a most unique method of reclamation and restoration was carried out by local effort in Hillsburg, and it is expected continuing care will be assured.

"The dignified and fitting cairn and plaque erected in the Bon Accord Cemetery in Nichol Township some years ago when the property was reclaimed still presents a most impressive appearance, although annual care appears to be lacking at present.

"All those properties, and others of which mention probably should be made also, should be a source of pride and of inspiration to everyone in the County of Wellington, and we do not doubt that everyone in the County would wish to have





all similar properties equally well preserved and tended.

"Unfortunately, we found many properties showing all too plainly the indifference and neglect of the present generation, although signs of earlier loving care were not lacking. In all these cases it seemed most evident that nature is striving to atone for man's neglect, often most lavishly. We found instances of great natural beauty masking completely evidences of ancient grief and enduring love; and we found instances where nature has not yet been able to hide shocking and heart-rending examples of neglect and indifference.

"We are convinced that all Pioneer Cemeteries could be brought to a conditon of dignity, and peace, and restfulness, without too great an effort; and we think that effort should be made in all cases, and at once.

"In the belief that words may be weak for some purposes and that to see is to believe, we request permission to place before you some pictures taken in a few of the cemeteries listed with us. These pictures are not presented on account of their photographic excellence, but in an effort to



present clearly the contrast between care and neglect, and between order and disorder."

Those were some of the pictures which were presented with this report at the time of this Committee.

"We beg to recall that this County had in operation until fairly recently, a Cemetery Commission under the chairmanship of the late John L. Carter. That Commission carried out its duties most faithfully and was instrumental in initiating the movement which resulted in the reclamation of the Bon Accord Cemetery in particular. This one accomplishment more than justified the existence of that Commission, which had many more excellent works to its credit, and many others in prospect."

BY THE CHAIRMAN:

C I wonder, Mr. Badley, if I might interrupt; you mention these pictures, I wonder if you would point them out and pass them around, or would you like to do that later?

A Mr. Keith is more familiar with them than I am, so perhaps he would like to do that.

MR. KEITH: I would suggest at the end of this quotation, there is another reference to the





pictures, and at that time, I think they would be a little more understandable, and they will be self-explanatory.

THE DEPONENT: (Reading):

"We would strongly recommend that authority be sought now to appoint a similar commission, composed of three men in such a manner that continuity of membership is indicated. We think such Commission should be given the power to encourage and to assist local groups, or officials, or municipalities, in reclaiming and restoring all Pioneer Cemeteries, and in providing continuing care and maintenance thereafter. We venture to suggest that the assistance of nature be used as much as possible in all work of restoration, and that there be a minimum of interference with existing structures. We suggest further that each property reclaimed and put in proper condition be dedicated and recognized as a public monument, to be under the continuing care of some proper and responsible authority. Further, we recommend that such Commission be given powers and resources, if necessary, to institute directly and to carry out works of restoration and maintenance in the unlikely circumstance



that no local effort can be brought into being.

"Finally, we suggest that you seek to have other Counties become equally interested in this most important work, since it is our observation the need for a great deal of attention is by no means confined to this immediate vicinity.

"All of which is respectfully submitted.

(Sgd) DUNCAN SINCLAIR,

Chairman, Special Committee on  
Pioneer Cemeteries."

That is the report which was made to this Committee which was set up in 1950, signed by the late Duncan Sinclair, who was Chairman at that time, and presented to the County Council in October of 1950.

"We have the pictures presented with that report and beg to present them for present study as well, herewith.

"After consideration of the Report the County Council decided to defer action until the first of the following year, and in April of 1951 a smaller Special Committee was appointed with instructions to do all in its power to 'locate and inspect all neglected Pioneer Cemeteries and to encourage and promote the rehabilitation and continuing care of all



such properties'.

"That some public opinion favoured the appointment and direction of the Special Committee is evidenced by an Editorial in the 'Elora Express' in January, 1951, as follows:-

'Wellington County Council may have set a precedent when they appointed a Committee to look into the matter of the cemeteries in this County which mark the country corners and the sites of old churches and which, all too often, have been neglected to a point where they can scarcely be found to-day. Several years ago a former Warden, Mr. Duncan Sinclair of Harriston, did a certain amount of work at his own expense and in his own time to rehabilitate one or two of these and it was fitting that he should be named to head this committee which brought in a report at the October session of the Council.

"No action has been taken on this report as yet but it is one, we believe, which would meet with response wherever a concrete proposal can be set before a community. Cited in the report was the cairn which marks the Bon Accord





Cemetery in Nichol Township and, where a cemetery has almost disappeared this should be feasible. Country cemeteries present a bit more of a problem. It would be easy enough to raise the money for a cairn or a central memorial but there is the problem of keeping the grounds cared for and the whole area in such shape that it is a credit, not a disgrace to our respect for those pioneers who made it possible for us to live in Canada. Still, a grant from the Council plus the help which could be given by societies in the community could take care of this or possibly the area could be reduced to such size that care could be simplified.

'We confess to being particularly interested in this because the cemetery in which the great many members of our father's family are buried, will, in all probability be doomed to extinction beneath the proposed St. Lawrence waterway when, if ever, it becomes a fact instead of a dream. We have not been able to find out what would happen to the churches and cemeteries which mark, in that district, a very old Ontario settlement but we presume



that something will have to be done and that it can be done with reference to other cemeteries. There is one town though which we often pass, though the name escapes us at the moment, where the stones have evidently been gathered from an old cemetery and made in a sort of monument in a prominent place.

'Whatever the County and the Committee may decide, we are sure that they will meet with a good response and that such action will be a mark, however small, of the underlying integrity which marked this continent as a home for democratic men who loved freedom and were prepared to found it in a wilderness.'

MR. KEITH: I might say, Mr. Chairman, the pictures were taken in an effort to provide a contrast in each case. If it meets with your approval, I will identify one of each only, that is, the reclaimed one without identifying the location of the other.

THE CHAIRMAN: It is the same cemetery, is it not?

MR. KEITH: No, in each case, it is a different property. They are not "Before" and "After" at all, but they are a cemetery which has been reclaimed.

This happens to be the Bon Accord. This





is one (indicating) elsewhere in the County.

This may be presumed to have been something in that condition before it was taken under care.

THE CHAIRMAN: This is one which you mentioned here with the individual cairn. How large a cemetery would that be?

MR. KEITH: Quite a small cemetery, sir.

THE CHAIRMAN: What conclusion did you arrive at, or did you arrive at any conclusion, as to the size of the cemetery which should be continued, or where bodies should be disinterred and taken to another cemetery? Did you find cemeteries with possibly four or five burials in them?

MR. KEITH: Yes, in some cases, we have. It is most difficult to be sure from inspection. I cannot speak for the Committee, but from my own personal opinion, these cemeteries properties -- and they are all small -- should be preserved as is.

THE CHAIRMAN: Even with four or five graves?

MR. KEITH: Yes, they were used by the pioneers. They are quite small in area. Some are larger than others.

THE CHAIRMAN: They are principally family cemeteries?

MR. KEITH: There are some families.



Another one I would like to refer to is at Bethel, where through the late Duncan Sinclair's own efforts, that cemetery was reclaimed and kept in that condition.

This one (indicating) is not under any care at all. This is actually another side of the same cemetery, Bethel, and here is another one (indicating) for contrast.

This (indicating) is the cemetery at Hillsburg. Another committee of the County had a contribution in that. It was a purely local effort. They assembled the stones and placed them there in a permanent location. This photograph is from the street (indicating) and it does present the most effective appearance. The other photograph is another cemetery.

THE CHAIRMAN: Do you know if they encountered much opposition to this plan?

MR. KEITH: Ex-Warden Burt, the other member of the Committee, can probably speak about that.

MR. BURT: Very little opposition. We had maybe half a dozen or so who were a little opposed to it, and are yet, but the great majority of people are greatly taken with that, and there are people taken long distances to see these places set up.

THE CHAIRMAN: Was there a plan of the



cemetery?

MR. BURT: I do not think so. Would you know, Mr. Root?

MR. ROOT: No, I would not know about that.

THE CHAIRMAN: The reason I asked you that question is: we have had groups who object to that, unless there is a very definite plan whereby anyone could go and pinpoint where a certain person was buried. You do not think there is a plan, yet you do not run into any great opposition?

I know from the members of the Committee, some of them feel that method of treating abandoned cemeteries is right, and who are in favour of that, and there is as you say, some opposition. I was trying to ascertain the extent and the seriousness of that opposition.

MR. BURT: We have been asked to do the same with some other cemeteries in the township, but we hesitate in going too far.

THE CHAIRMAN: Who owns that cemetery?

MR. BURT: It used to be the Howe Cemetery in Hillsburg. No interments have taken place there for a great number of years, so it was taken over.

THE CHAIRMAN: How large would that cemetery be?





MR. BURT: About three acres, I believe, between two and three acres. I think the cost there was about \$590.00. I am just guessing now, but it was around that figure.

THE CHAIRMAN: Would that be all the stones which were good enough in that cemetery?

MR. BURT: Yes. That cemetery has not been used for a great number of years.

THE CHAIRMAN: And the balance is just like a park?

MR. BURT: Yes, there are trees set here and there.

THE CHAIRMAN: Which will grow?

MR. BURT: Yes.

DOCTOR BERRY: Is it used for anything as a park?

MR. BURT: No. The village of Hillsburg have promised to take care of it, and keep the grass cut. The way we took care of that, the township supplied the money and we appointed a committee of ancestors of those who had been interred there. They went to work and set up the plan which was satisfactory to the Council, and went ahead and did the work.

THE CHAIRMAN: You have had a great many complications, I daresay, on that?



MR. BURT: Yes.

THE CHAIRMAN: Would you venture an estimate of what it will cost to keep that cemetery up each year?

MR. BURT: I do not think it will take over \$25.00 a year to keep that cemetery in repair now.

THE CHAIRMAN: Would any members of the Committee care to ask any questions regarding that?

MR. ALLEN (Middlesex South): It would be much easier to keep in repair now than before?

MR. BURT: Yes, these trees gradually grow and it will cut down the grass cutting. At the present time, we are having trouble with weeds.

THE CHAIRMAN: The grass would not have to be cut after awhile.

MR. BURT: No, it will cost very little to keep it in shape.

THE CHAIRMAN: There are those who think it would not cost so much in a rural area, but there are those who think if that had been in a city, that could be a cool spot in the city where persons could go, and there should be benches where they could sit. It would not be a park to the extent that it is a playground or anything like that. What would be your own personal opinion of permitting that? Do you think that would be a sacrilege?





MR. BURT: No, I think that would be perfectly alright. I do not think it should be used as a park, but if there was a bench or two, as the trees grow a little, people could go there and sit and rest. I think it would be a very nice idea. If you will notice the way the picture is set up, there is a walk all around the stones, and you can see the names, etc.

THE CHAIRMAN: We have interrupted you, Mr. Badley.

THE DEPONENT: That is quite alright.

Following that report in 1950, the Council then set up a similar committee, recognized as a Pioneer Cemetery committee, and a copy of this report has been given to you. There was an editorial from one of the County papers, which appeared complimenting the Council for having gone into the work. I read that editorial, which you will find in your report.

The Committee at that time, was pretty much composed of the members who make up the Committee today. We first went to County Council and asked for financial support if we could encourage cemeteries to restore them, that they would make a grant from the County in accordance with the work they would do.

We also tried to impress upon them, it would be



necessary for the municipality to continue the care after it was done.

"This Special Committee gave a good deal of careful study to the question of procedure in the problems with which it was faced and decided some financial aid would have to be made available if it hoped to succeed in its efforts. It also decided some simple and basic rules or requirements should be set up to govern the qualification for such financial aid and to ensure some similarity of effort in various properties and most particularly to guarantee that no possible desecration of individual plots or properties could occur through any efforts of the Committee or through any work done as a result of those efforts. We think those basic rules or requirements are extremely important and are sufficiently inclusive to accomplish the purposes of the Committee while ensuring that no desecration of private plots or even any interference therewith can take place other than at purely local level. These recommendations were presented to County Council in a Report in June of 1951, which we beg to quote in full as follows:-



'Report of the Special Committee on  
Pioneer Cemeteries

To the Warden and Council of the  
County of Wellington:

Dear Sir and Gentlemen:-

'Your Special Committee to promote and encourage the rehabilitation and care of Pioneer Cemeteries begs leave to report as follows:

It is with deep regret that we refer to the illness of our Chairman, Mr. Duncan Sinclair. We are sure all members of Council will join in hoping he may soon be restored to good health.

We wish to recommend that you add the Warden of the County to this Committee.

We understand your instructions as expressed at your April Session in appointing this Committee were in two parts, as follows:-

Firstly, that we attempt to locate and inspect all neglected Pioneer Cemeteries within the County.

Secondly, that we attempt to encourage and promote the rehabilitation and continuing care of all such properties.

'Accordingly, we have secured the information made available through the efforts of the Special Committee of 1950 and we have gained access to





the records of the Cemetery Commission which operated so satisfactorily until disbanded in 1939. Also, we have requested the County Clerk to obtain reports from five municipalities which did not respond to the request for information last year. It is our hope, as time permits, to inspect and to report concerning all neglected Pioneer Cemeteries which are brought to our attention, or concerning which we may otherwise become aware.

'After careful consideration, we have concluded that it is most desirable for your Committee to be placed in a position to offer direct financial aid for the rehabilitation of Pioneer Cemeteries which now lack care and attention. It is our opinion that the efforts of your Committee should be directed only through local councils and that any work aided by your Committee should be sponsored by a local Council, as the only responsible continuing local organization with whom we may deal properly and effectively.

'If you should decide to make it possible for this Committee to offer some direct financial aid, through local Municipal Councils, only, toward the reclamation of neglected Pioneer



Cemeteries we would expect, immediately, to request each interested municipality to select one such property only, toward which their efforts and the available contribution would be directed this year. Depending on the success of such venture it would be our hope that similar arrangements might be made annually in the future until all properties have been brought gradually to a condition of proper and continuing care.

Under this plan it is our hope that, under the sponsorship of local Municipal councils, the interest and attention of many local groups and organizations might be enlisted toward the re-establishment and continuing future care of one or more neglected Pioneer Cemeteries and we sincerely trust this may prove to be the case. If so, we beg to suggest that any aid or contribution made possible through this Committee be contingent only on a very few simple and basic requirements concerning each property. We are of the opinion that all Pioneer Cemeteries should be brought to a condition to conform with the following basic requirements and that the efforts of this Committee should not be directed beyond such basic requirements, as follows:-



(1) Properties should be adequately fenced, with one suitable entrance and gate only.

(2) Properties should be cleared of all rubbish and debris of all kinds.

(3) Trees and bushes should be trimmed and put in a proper state of care having regard to the general landscaping of the area. Where necessary, additional trees and bushes should be planted.

(4) Weeds should be eliminated and grass should be kept trimmed and cut, and the grounds should be levelled to permit such cutting.

(5) A dignified sign should be erected and kept in place at the entrance stating that the property is under the continuing care of some responsible authority to be named on the sign.

We realize that much more work of rehabilitation might well be done in most cases and we feel that such work will be done once the basic requirements have been fulfilled. However, your Committee is of the firm opinion any further work of improvement and especially any work of removal or re-establishment of monuments and individual plots, should be carried out entirely by responsible local authority and





effort quite free from possible outside pressure or interference of any sort.

All of which is respectfully submitted.

(Sgd) A. A. Badley,

Deputy-Chairman of the Special  
Pioneer Cemetery Committee.'

and were accepted and endorsed by Council. At that time, also, the County Council placed a modest sum of money at our disposal as it has kindly done in each succeeding year.

"To our regret and keen disappointment, we have been in a position to recommend the payment of only one small grant of money toward work of reclaiming a Pioneer Cemetery to date, and in that one case more work still remains to be done. In one other case it now appears we may be able to recommend payment of a similar grant this year; but in a great many cases we have found that indicated enthusiasm and desire did not sustain itself to the point of actually undertaking any work and we have lacked any and all authority to do other than encourage and promote and in some cases even beg and pray. It is our considered opinion that something more than promotion and good intention is needed and we beg to present a motion from the Association of



Ex-Wardens of the County of Wellington, as presented to the County Council and referred to us, which we endorse as follows:-

'That this Association make a request to the Council of the County of Wellington to prepare a petition to be forwarded to the Select Committee of the Legislature on Cemeteries that Pioneer Cemetery Committees, such as constituted in this County, be given legal authority to function in their proposed work of promoting the work of rehabilitating and keeping in good condition, Pioneer Cemeteries throughout the Counties. Carried.'

In response to that motion, you will also find in this brief which we are presenting, an editorial taken from the Toronto Globe & Mail following the presentation made by the Ex-Wardens Association as follows:

"But there are numbers of burial places throughout rural Ontario, usually containing the graves of pioneer settlers, which have been allowed to fall into a sad state of neglect as a result of weather,



or, too often, vandalism. In many cases, the title to these old cemeteries is uncertain. Descendants who might have been expected to take an interest have often moved away, or are themselves dead. The dilapidated state of these premises makes a very bad impression, and it is time something was done to deal with the problem.

It was dealt with once before. Following a survey made by Dr. J. W. S. McCullough, then Chief Health Inspector for the Province, the Henry Government in 1931 amended the Cemeteries Act to provide for the setting up of County Cemetery Commissions. One member of these was to be appointed by the Lieutenant-Governor-in-Council and the other two by the County Council. Its duties were supervisory and it had the authority to order any municipality to maintain a cemetery in proper condition. The legislation was widely approved at the time, but the succeeding Government did not support it. The relevant sections were finally repealed by Premier Mitchell Hepburn in 1938, and no arrangements were provided to continue the supervising function.

It would be well if the Select Committee investigated this former legislation and gave it serious consideration. It might be that many old-





time cemeteries could be decently abandoned and the land returned to productive use according to the provisions of the law. But public opinion is generally against interference with the last resting place of the dead. In such cases, it should also be willing to support a measure of landscaping and simple maintenance, to express the community respect for its founders and forebears. Many small places in Ontario deserve great credit for the way they maintain their cemeteries. It is a pity that others are less interested. Some sort of supervising body would seem to be necessary. The cost would be relatively small."

BY THE CHAIRMAN:

Q           What was the phrase you used about giving that Committee legal authority in the submission just before that, in the motion of the Ex-Wardens of Wellington County?

A           "That this Association make a request to the Council of the County of Wellington to prepare a petition to be forwarded to the Select Committee of the Legislature on Cemeteries that Pioneer Cemetery Committees, such as constituted in this County, be given legal authority to function in their proposed work of promoting the work



of rehabilitating and keeping in good condition Pioneer Cemeteries throughout the Counties. Carried."

Q           Would you like to give us an idea of what was in the minds of your Ex-Wardens Association when they passed that resolution? Would you give us an idea of what they meant by "legal authority" or what form it should take?

A           I take it they meant, as the early part of this brief would show, in 1932 there was legislation provided under which the Pioneer Cemetery Committee functioned, but in 1939, I believe that legislation was scrapped, and this Committee which was again appointed in 1950, really are operating with no authority behind them whatsoever as far as legislation goes.

          We have been appointed by the County Council and I think the Ex-Wardens at that time thought it was a mistake that the authority under that legislation was scrapped in 1939. I think that is right, but perhaps some of the other members of the Committee could tell more about it.

Q           I was just asking Doctor Berry, who has the administration of cemeteries under the Department of Health, about that. As administrator, Doctor Berry seems to think there is some legislation which does



require municipalities to take them over, and I was just asking him if he wanted to say something about that. I do not know whether he wants to speak about the weaknesses or not.

DOCTOR BERRY: I might make reference to Section 38 of the Act which deals with the conditions when a municipality is expected to take over a cemetery.

As I have indicated the weakness, is there is no one who can determine when that situation arises.

At one time, as you have pointed out in your brief, there were cemetery commissions appointed and that legislation was changed, and the authority was then put back on the local Boards of Health. They were made responsible to see the cemeteries were kept in proper condition. If anyone is to determine when a condition arises such as is referred to in Section 38, it would have to be the local Board of Health or the Health Unit. There were no Health Units at the time this legislation was changed.

MR. KEITH: Is the local Board and the Health Unit synonymous?

DOCTOR BERRY: Yes, Section 9 of the Cemeteries deals with that, and it starts out this way:

"It shall be the duty of the local Board and it shall have power -- "





to do certain things. That is the only place where you will find any existing legislation with reference to the maintenance of the cemetery.

THE DEPONENT: It bears out what our report has pointed out.

THE CHAIRMAN: Yes, we are not disagreeing with you.

MR. KEITH: The local Board is to have authority. The Committee is to have no recognition at all.

DOCTOR BERRY: That is correct.

BY THE CHAIRMAN:

Q Your feeling is that this Board at a County level, with reasonable authority, could accomplish something so far as these abandoned cemeteries are concerned?

A I think it would do a lot more than we can do now.

Q And you do not think, from your experience, and from what one of your Ex-Wardens has said, that would place any load of any size upon the municipality once the cemetery has been put in condition?

MR. BURT: I do not think it would put any great liability upon any municipality.

THE DEPONENT: It would. If you delve into



this report further, you will find as was pointed out, some municipalities have many cemeteries, some have only a few, and some have none at all.

I think we can put our finger upon a municipality in Wellington which has sixteen in one township alone. There is that little difference, that it would probably be a great deal more hardship on that municipality than a municipality with only one or two or none at all.

BY THE CHAIRMAN:

Q Is that a large municipality?

A It is the largest municipality, or one of the largest municipalities in the County of Wellington.

Q I must <sup>not</sup> interrupt you any more.

A I am just finishing, Mr. Chairman. There are one or two suggestions which we have included in this report:

"It is our considered opinion that all Pioneer Cemeteries and all other cemeteries which are in a state of neglect as regards the simple basic requirements listed by this Committee which conforms largely to the minimum requirements of the Cemeteries Act as it applies to such properties should be brought to, and kept in, a state of proper repair without further delay.



It is our further opinion that present legislation is not adequate to ensure this result and that the re-establishment of a County Cemetery Commission, properly empowered under the Act, would go far to improve the situation.

It is also our opinion that some form of financial aid should be available from the province, on the recommendation of proper authority locally.

Finally, we suggest that the present ban on reforesting of abandoned and neglected Pioneer Cemeteries be removed if such treatment is recommended or approved by proper local authority."

BY THE CHAIRMAN:

Q I would like to clear one or two things regarding those suggestions.

Do you mean by that, that the Government should assume some share of this cost in the renovation, or do you mean, even in the . . . Who do you think should keep up the cemetery?

Where you have a cemetery which has been renovated, that is probably a different problem, but this memorial in the form of a Pioneer Cemetery is going to be left in a community, we will say, and I would like to know who you think should be responsible for the cost of the upkeep of that?





My understanding from what you have said would be that human beings have good hearts, but so far as depending upon a voluntary effort to do a job on the cemeteries throughout the province, it will not be successful. Is that your thinking?

A           That is it pretty well.

MR. KEITH: The efforts of this Committee, I think, have largely been along these lines, quite unconsciously, that we have some township and village municipalities with no cemeteries, which we might class as neglected at all. We have those with large numbers. We have sought to embody in our basic regulations, not only the basic requirements of the Act, which Act imposes the duty of doing those things, but we have sought to encourage people to do them, if possible, with financial aid.

Our effort has not been to try to force a municipal council to undertake the work at its own level, but to promote interest and encouragement on the part of local groups who will be sponsored and recongized by the local Council, such as church groups, social clubs, women's institutes, and all manner of groups of that nature, who are actually interested.

THE CHAIRMAN: Do you mean, Mr. Keith, you are trying to stimulate that interest in the renovation



or the maintenance?

MR. KEITH: Both. Our feeling is once the renovation is brought to the point to comply with those basic requirements, local interest then will possibly deal with the further problem of any change in the location of present structures; that is, the assembly of stones in the form of a monument or the replacing of stones now out of order in the present location.

We have not thought it was our function at all to interfere in that type of work. We hope the local interest will be sustained to do something in that connection, but purely at local levels.

Then we hope that once these properties are fenced, cleaned up, and put in a state where they can be kept trimmed and present a good appearance, the only cost of continuing to keep them in that condition, will not bear heavily upon whoever is sponsoring the project.

Our hope is that a group of farm forums or women's institutes, or church organizations would take over one or more properties under their own care, and continue to do so.

We actually have <sup>them</sup> ~~in~~ operation in one or two cases in the formative stages, and several others.

THE CHAIRMAN: We are particularly anxious



to get your opinion, after some experience in this regard, as to whether or not you think that could become a permanent operation, or whether you think the maintenance would not be permanent.

I have noticed it is quite easy to interest a service club or church organization, or any organization, in a project which will be completed within a reasonable time.

I think in a progressive community, there would be great possibility of interesting some organization in the renovation of a cemetery, but I am not so certain that you can depend upon those organizations for a continuance unless money is raised, the interest of which money is available for the unglamorous effort of maintaining it year after year.

MR. KEITH: I might say that aspect of the problem was quite firmly in the Committee's mind when number 5 on the list of basic rules was included, the one referring to the placing of a dignified sign stating the name of the property, that it is set up as a memorial and under the continuing care of some group.

THE CHAIRMAN: You really have quite a smart idea.

MR. KEITH: That was the best way we could find of indicating who were entitled to credit and who had the responsibility of the property.





THE CHAIRMAN: I noticed what you said regarding the removal of the ban on reforestation. How far would you think reforestation might go in a cemetery?

THE DEPONENT: We have one quite close to this city, a very small pioneer cemetery, but to drive past it, you think it is just a nice little hillside of trees. You would never think there was a cemetery in there, until you walked in between the trees and saw the stones standing there. It is much more pretty to look at than some of the other cemeteries.

MR. KEITH: It does not look like a cemetery to the casual passerby, but it does look better than many cemeteries at the present time. We were not aware such treatment was frowned upon at one time, and we were inclined to encourage other people who saw fit, to landscape and completely reforest some of the other properties, but we were given to understand that was not acceptable.

THE CHAIRMAN: Supposing your Committee had funds available and had the undertaking of putting the cemeteries in Wellington County in good condition, what would you do with that cemetery? Would you touch it, or leave it as it is?

THE DEPONENT: I doubt if we would touch it,



because it looks alright. It is a nice, little shielded grove on the side of the hill. You cannot see it from the highway, although it is quite close. You cannot see one stone, and yet they are in there.

MR. KEITH: I have known the property for a great many years and it is only recently I found it was a cemetery. I found it was kept by a local group as a means of preserving the property which might be completely abandoned. I think that local group has passed out of existence now.

BY THE CHAIRMAN:

Q           Supposing you are not successful in having local groups undertake this work, and supposing it becomes a charge again upon the taxpayers, and has to be kept up. I know Mr. Keith will not express an opinion, but do you feel it is the responsibility of the local municipality, or do you feel the County should help, or the Government should help, or what would be your thought?

A           I certainly feel you would get a great deal more action and support from local and municipal councils if they were being helped financially.

              We have one now. It was in good shape two years ago, and we are having a struggle to get it in fair shape now to persuade the local municipal Council



they should not allow that cemetery to fall back again, but we seem to have to keep prodding them two or three times a year, to see it does not slip back into a state of neglect.

If there was some place they knew there was some fund they could draw on for partial upkeep, at least, I think it would get more support.

Q It might be in order to obtain that, certain requirements must be met?

A Yes, it certainly would have to come under some local group which would see they were collecting money, and keeping the property in good shape. If it was a question of a grant, someone would have to be responsible to see it was done.

Q I take it you have the feeling there must be something more than local municipal control. You can see the use of a county commission?

A Yes, I think so. I am only speaking for myself now, but I think if it was left entirely with the local municipalities, they change very frequently their municipal councils.

Q I was thinking Doctor Berry might remember that one of the reasons for discontinuance of the County Commissions was that in some counties they did not do much.



That was not true in every county. In our own county, that Commission really performed a splendid service. The Chairman of the Commission was particularly interested in cemeteries and a large number of neglected cemeteries, even some which were still being used for burials, were taken over by the municipality. From the experience I would have from watching them, the municipality cared for them, and they probably did not get the tender care that some cemeteries got where they had an intensely interested person taking care of them.

Still they are not disgraceful. The grass is cut, and of course in some rural sections, the soil is not really as kind as it is in others. In our particular section, it is clay land and in the summertime, it dries out, and it is not a place of beauty because the grass dries up sometimes.

However, I can only say the cemeteries there have been looked after by the municipalities. The local municipality is a great improvement over the system before, where churches or families were taking care of them, because the families lose interest. I know, I had a person come to me a couple of weeks ago about a cemetery which was always looked after there, because one man was quite "well-to-do"





and his wife and relatives were buried there. He has died now and you can see the difference already. A piece of the fence has broken down and one of his relatives who had benefitted, too, because he had died, was wondering who was going to take that cemetery and look after it.

A           I wonder if any of the other members of my Committee would care to comment.

MR. TILDEN: I think <sup>in</sup>most of the cemeteries with which we have had to deal in Wellington County, the fact enters into the picture that in many cases all the descendants of the people who have been buried there have moved to other parts of the country . The population is changing, and there is no real person interested in those cemeteries.

For that reason, they are allowed to fall into a state of neglect, and in a great many cases, it would be difficult to find people who are connected with the persons who have been buried in those cemeteries.

Therefore, it is my feeling, and the feeling of the other members of this Committee, that someone must be obliged to look after that. If you leave it to a Council, they are <sup>not</sup>again personally interested, and it is allowed to go . I think the feeling of this



Committee is there should be some obligation legally on the part of the local municipality to look after that. . . . Insofar as funds, all these people may be interested but some assistance should come from the province.

As to the matter of whether or not they should be reforested, it seems logical in cemeteries where there is no personal interest, and there are not too many stones and very little external evidence of it being a cemetery, it may very well be reforested, because after all there is nothing so bleak and desolate as a cemetery placed on the side of a hill where there are a few stones, a lot of burrs, some buckthorn. These places might well be wooded. At least, they would be attractive, they would have some permanence and it would be of very little cost in its upkeep.

THE CHAIRMAN: You would plant them with evergreens?

MR. TILDEN: Yes.

THE CHAIRMAN: You might even limit the planting to evergreens.

MR. TILDEN: Yes. Perhaps, after all, if it were planted, the cemetery might be looked after and it is conceivable you could get a small revenue to help you look after it.



THE CHAIRMAN: The cairn at Rockwood just mentions pioneers of the district or something like that, but there are no names on it.

THE DEPONENT: The names are on the stones, Mr. Chairman. This is the one in Rockwood, not Hillsburg.

BY THE CHAIRMAN:

Q I think the one I noticed was at Rockwood.

A Do you mean the cairn at Bon Accord?

Q Yes.

A All the stones which had been put to use by the farmer were brought back into the cemetery and set around another cairn which was made in the centre.

MR. KEITH: There is a picture of it. The lettering is obscured, but it says "Pioneers".

BY MR. ROOT:

Q Was there any record kept of the people it represents?

A It was in connection with the Knox Presbyterian Church that was there, and I think they have a record. We have no record, as far as our Committee is concerned. I am almost certain the Church has that record.

MR. ROOT: Talking about reforesting the cemetery, I was thinking, what about the case where





a high wind upset the forest? What would happen? I am not critical, but the thought went through my mind, whether that is a good way of preserving a cemetery, by planting trees. If you have a few trees standing on a hill and a big wind storm comes along, it could upset the trees.

THE CHAIRMAN: I do not think the danger would be great in that respect.

MR. GRAY: I might suggest a weakness with Section 38. There are a great many cases in this County, and no doubt in every county, where the cemetery is just over the town line and another municipality uses the cemetery more than the one in which it is located. It is being used by them, and yet it is saddled on the other one.

THE CHAIRMAN: You are municipal men, and your opinion on a question in our minds might be very helpful.

What happens in some cases, and will happen in the cities where there are large cemeteries, placed in the municipalities surrounding the cities - - and of course we realize in this particular case the municipality which would be caring for the cemetery would not have used the cemetery to any extent--and we were wondering, too, what should be



done in that case, as they are formed, whether or not there should be some provision to pay taxes. I do not want to be misunderstood about taxes, but it would make up to the township something which would be lost in the way of taxation.

It is quite a ticklish subject when we mention taxes. Some persons feel you are taxing persons who are dead, and there is objection by some people to any form of taxation of cemeteries.

However, from your point of view as ex-municipal or still municipal men, I think you realize that a municipality, with the possibility always of having to finally take over the cemetery, and maintain it, as the Act is now, perhaps should have a plan whereby the municipality should receive some consideration.

We realize your view, and your point is well taken as to how to overcome that problem. It has given us a great deal of thought and I do not think we have come up with the answer yet. What would you suggest?

MR. GRAY: I have nothing to say for the weaknesses.

THE CHAIRMAN: We cannot make any



recommendations of weaknesses, pointing out the weaknesses. We have to make some recommendations pointing out a remedy.

MR. ALLEN (Middlesex South): There is not a place, for instance, to bury inside the city of Toronto now, and they have to go to the local townships, who lose the taxation, and have the possibility they will have to keep it up in perpetuity later on. There are a great many angles to this.

MR. GRAY: Would the solution be to divide the cost over a large area, rather than that one municipality.

MR. ALLEN (Middlesex South): That is right.

MR. TILDEN: The revenue which would accrue from the sale of this land in some cemeteries might very well be taxed.

THE CHAIRMAN: That is not as easy as it looks either. We find that one of our problems with cemeteries is, as the cemetery becomes used, there is not much revenue from the cemetery.

MR. TILDEN: I was thinking of some of the cemeteries about which we have been hearing recently.

THE CHAIRMAN: Even in the case of those, if there is not the money in a fund, where are you going to get the money to pay taxes? You could seize



a property or a firm, but you cannot seize a cemetery.

THE DEPONENT: You can see the municipality that has twelve or sixteen pioneer cemeteries would have a tremendous burden if they had to assume those cemeteries.

THE CHAIRMAN: That is true.

THE DEPONENT: I think one of our members has previously stated <sup>if</sup> the cost of upkeep were spread over a greater area of the province, and assisted by the county, we would get much farther than we are getting today.

THE CHAIRMAN: Certainly that is worthy of consideration. However, there is one other question.

We have very many expert witnesses here and this is a good time to use them. I do not suppose you have many new cemeteries, but there will be new cemeteries in Wellington County. Would you think it was a hardship upon you or was unfair to you if we were to recommend legislation which would be quite strict so far as the opening of the new cemetery or establishing of the new cemetery was concerned, to the extent that we required and tried to make every precaution to see that there was sufficient money put into a permanent upkeep fund, that it will





never become a charge upon the municipality. What would you think of that? Do you think even a church cemetery should have that?

THE DEPONENT: My personal opinion is I think it is the only way they should be allowed to set up a cemetery. There should be some money set aside so that cemetery will never go into a state of neglect.

BY THE CHAIRMAN:

Q You do not think it would be an autocratic attitude if we were to assume an iron hand so far as the establishment of cemeteries is concerned?

A Take our own cemetery at home. It is quite a large and old cemetery, but every person who buys a plot in that cemetery, compels the municipality to set so much money aside into the perpetual care fund, so that it will always be cared for.

Q I do not think they are compelled. They are doing it, and their by-laws require that it be done. The by-laws and the regulations require that in that particular cemetery, but it would be possible if you had a new board of directors and a new group of trustees, to make different regulations altogether, would it not?

A I suppose so, unless there was something to prevent it.



Q           If these regulations are going to be permanent, before a permit would be given any group to establish a cemetery, all these recommendations and regulations would have to be complied with. I do not know what you do with your money in regard to the permanent upkeep fund.

A           It is just in a fund invested in bonds.

Q           What would you say if this Committee recommended to the Legislature that every cent which went into that fund must be invested in trustee funds or left with the Public Trustee, and that your books would have to be audited by someone representing a cemetery control, to see that your money was put there, and that it was left there, just as insurance companies are brought under the supervision of the Inspector of Insurance. Would you feel that was going too far?

A           I still maintain it is the only fair thing to do. It is not fair for anybody to open up a cemetery and utilize it for a number of years with the thought that when it is filled up, it will eventually revert back to the municipality. I do not think we should ever let ourselves get into the position again which we are now in in regard to pioneer cemeteries, with new cemeteries opening up.



Q           What would be your thought regarding the supervision of cemeteries in a county? Do you think it should be left? Do you think county supervision should be limited to abandoned cemeteries, or do you feel cemeteries in use should come under county supervision?

MR. ALLEN (Middlesex South): New cemeteries?

THE CHAIRMAN: Any cemeteries.

THE DEPONENT: From the standpoint of our committee, we are certainly strongly in favour of that with pioneers, but beyond that I do not think this Committee has anything to offer.

THE CHAIRMAN: I think we could keep on asking you questions. We are certainly appreciative of your coming here this morning, and helping us in our work, and we want to offer you a sincere "Thank you". We have a few more groups to hear, but before doing so, we will adjourn for five minutes.

---Whereupon a short recess was had.

---Upon resuming.

THE CHAIRMAN: We will call upon Mr. West, the Reeve of East Luther Township.

W I L F R E D   W E S T,

being called before the Committee, but not being sworn, deposes and says:





THE DEPONENT: Mr. Chairman, members of the Select Committee, ladies and gentlemen. We have about the same condition as the members of the Committee have reported. We have three abandoned cemeteries, one of them having had no burials for twenty-five years, and in the other two, there is possibly one a year.

The cemetery which they are not using at all is in very bad shape, and I went through it a couple of times. It is right close to my home. There seems to be mostly all children buried in there from two to nine years of age. There are over fifty of those.

I have been enquiring and found there was quite an epidemic of scarlet fever back in the early part of this century. There are very few people there of any age. I do not believe I noticed any over twenty years of age, and none except one lady who was buried there about twenty-five years ago who was about seventy. That cemetery is in very bad shape.

We have sprayed the weeds and cut the brush. There are hawthorns and burrs, and it is very rough ground. There is nothing but stones, and we do not know what to do.

We put an ad in the paper to see if anyone was interested, and got no reply. Only one lady from



Hamilton said she would be satisfied if we did anything with it.

I read in the paper where our member, Mr. Root, was on this Cemetery Committee, and I thought I would contact him to see if there was any chance of getting any assistance from the Government to get it back into shape.

I have heard quite a bit about the one at Hillsburg although I have never seen it, but that is the one we had in mind we would go by, if we could.

BY THE CHAIRMAN:

Q Are there any monuments?

A Yes, just flat stones about four inches thick. There is one high monument but the rest are just flag stones.

Q How large would it be?

A About an acre. There are fifty or more stones, and nobody knows where they should be, and they are out of place.

Q Is there a great deal of it not being used?

A They are scattered pretty well all over, but how full it is, we cannot tell. There seems to be no plan of it whatever to tell who is where, and there are stones all over the place. We do not know



where the plots are, or how many are empty, but I would say anywhere from forty to fifty stones are lying all around through the grass.

Q           What would be the attitude of your Township Council -- of course, they have almost assumed the cemetery now.

A           We have got to the point where we do not know what we can do, whether we have the power to go in and disturb it or not. We would like some legislation, and also assistance, if it is possible, where we can go in and do that.

Q           I intended to ask the gentleman who was with us before, this question, and I can ask you just as well: do you feel that some authority would help? Supposing the Government had some cemetery authority who would go to you and look your problem over and help you to arrive at some plan of operation which would improve the cemetery. Would your people feel that was too much government, or would they welcome that?

A           I cannot speak for all of them, but the place I represent would appreciate very much that kind of assistance, and we would like to do what is right.

Q           We have one member of the Committee who is very sympathetic towards you, particularly towards



these abandoned cemeteries. He would like to do something to help you. After each session, he comes to us and says, "It is not the big cemeteries we have to help, it is the abandoned ones, the smaller ones".

A One of these especially -- the others where they bury one or two a year, are partly looked after, but one especially is a disgrace.

Q As a citizen in a rural municipality, and I intended to ask these other men this question too:-- supposing the cemeteries which are still being used could be organized, would you be interested in fixing them up and maintaining them?

They did not require you to pay for permanent upkeep when you bought the lots. Those which have not permanent upkeep on the lots, when they wish to bury someone, what would your feeling be if they were given authority by the Government to say, "This cemetery is now under permanent upkeep. Before you can bury, it will be necessary for you to pay the usual permanent upkeep charge on this grave. "

A I do not think any new plots have been sold in any of the new cemeteries, and anybody who is buried there is using a plot they have purchased some years ago. I do not think there is a cemetery board in any of them, even the ones that are still being





used.

Q           They just bury?

A           They are run by two churches, Presbyterian in South Luther, and the United Church, and I guess they look after that, I do not know. We were more interested in this one that is really abandoned. We started out to look after it, but they are all in bad shape.

Q           Apart from that, forgetting all about your cemetery troubles -- and we realize that is a problem and certainly this Committee is going to consider situations exactly the same as yours, -but as a citizen, supposing you have owned a lot for many years upon which you had never paid any permanent upkeep. You were never charged for it when you bought the lot in the cemetery, but they got organized in the meantime, and every time they sell a new lot, every person who buys one is required to pay permanent upkeep to provide permanent care -- or as permanent as it can be.

            You have had this lot all these years and when you go to bury someone in this plot, the superintendent says, "This cemetery is now under a permanent upkeep fund, and any person who buries will be charged to pay for the permanent upkeep on



that grave." How would you look upon that?

A I would think it was fine. My mother was buried in a cemetery and when my father purchased the lot it was not under perpetual care, but twenty years ago, these people came along and bought lots assuming there was perpetual care there. Since that time, he has died, and they have looked after it.

Q I am not getting the right citizen, I can see that. You are too generous.

A I think everybody should say that.

Q A great many good citizens pay. When they are asked for it, they pay, but there are some who do not. I have been interested to know if a cemetery Board could be given authority under the Act to require that before that person can be buried, that must be paid.

They do have regulations where you pay to a certain annual upkeep fund, and if you will not pay that, they will not let you bury until you have paid the annual fee, but I wonder how many persons would feel that was too hard. It really is not any hardship at all, because you are only paying exactly the same as the person who buys a new lot.

A It should be the same as everything else.

BY MR. GORDON:

Q Does this abandoned cemetery belong to



some church?

A No, no church.

Q Who started it in the first place?

A They call it McDonnell Cemetery. I guess possibly they own the land, and started it on their own farm, but it is fenced off. We had fences and gates put on.

Q And the other one which is used occasionally, is that a church cemetery?

A They are both run by the churches, I think. I am not definite on that.

Q If it was started by the church, that church is responsible. For instance, if it was the United Church who started it, they should be responsible for looking after it. They could be made responsible.

BY MR. ALLEN (Middlesex South):

Q Regarding this McDonnell Cemetery, who has the lien on the property?

A The people who own the farm it is on. They seem to have it. Their parents have died, and they used to have it, but they do not do much about it now. I do not know too much about it, but I think the father looked after it. In fact, I have not been on that farm now for awhile. We began to fix it up a bit, to make it half respectable.





BY THE CHAIRMAN:

Q We certainly appreciate your taking the time to come down here this morning, Mr. West, and we certainly realize your problem. It helps to impress upon the Committee, the important problem of these cemeteires which you have mentioned.

I mentioned this morning these abandoned cemeteries, and I am sure the Committee, in its report, is not going to satisfy a great many persons in what they feel should be done for abandonded cemeteries, because of the immensity and difficulty of the problem.

A I do not think Dufferin County ever had a cemetery committee at all. I am here on my own as Reeve of East Luther.

THE CHAIRMAN: It is not the usual practice, and that is why we came to Wellington County.

MR. ALLEN (Middlesex South): These abandoned cemeteries are not only a problem, they are a moral obligation.

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MR. C O X,

appearing before the Committee, but not being sworn, deposes and says:

THE DEPONENT: I have a problem in the rural



cemetery up there. We have a Board of Trustees and the cemetery is getting nearly full now.

Ten years ago, we tried to put this under perpetual care, and we did everything we could.

We set an amount of \$25.00 per plot and we got the fund up to about \$400.00 or \$450.00, which is in the trust here, but the revenue of that fund can never look after the cemetery properly.

We have contacted every plot holder whom we could get, but there are, I would say, about 60% of those plot holders on which we cannot get any clue whatever.

I can see in fifty years from now, if something is not done with that cemetery, there will be nobody that we can contact, because we only have about 45 burials a year. They are drifting away, and I do not think the cemetery will ever be enlarged unless times change.

We would like to get this under perpetual care. If we could derive enough money to keep the cemetery for time to come, we could do that.

We have a man who could tell us a lot about perpetual care. He is an expert, and through his efforts, he put the cemetery in such a position that it will be kept for years to come. He is an expert,



and there are not many experts like he is.

There are cemeteries close by ours which are not in nearly the same category as ours is, and they are still making burials there, and it is not kept up the way it should be.

This year, we made an effort to take care of it. We bought a power mower and the grass was cut, but that has not solved the problem. We are looking at fifty or one hundred years from now. What will happen to that cemetery then?

BY THE CHAIRMAN:

Q Have you tried to interest local groups in contributing to your permanent upkeep fund by raising money?

A No, I do not approve of service clubs or institutes. They are strong today, and ten years from now, they are gone.

Q Have you ever appealed to any of them to make a contribution to your permanent upkeep fund?

A No.

Q Because there seems to be very few places where you can get money. If regulations permitted, you could require everyone who buried there and had not contributed toward the upkeep fund, to make a contribution before they could bury. You could do



that if there were such regulations, or you could from those who had lots, charge a rental, which would be used in the meantime. Do you have any lots to sell?

A We have only two or three more lots in that cemetery to sell. If they were sold off, I do not know if we would enlarge that cemetery or not, because it is used by families who are buried in there and there are no new ones coming in. Probably some parents have buried their children there, and they are still buried there when they pass on.

BY MR. ROOT:

Q What would you think about regulations which might be passed requiring that before they could open a grave, they must pay into the perpetual care fund?

A The thing is, probably there is nothing we could do about that. There are probably a few children whose parents are buried there, and we are wondering where we are going to get money. Are we going to go into the parents' estates to get the money? I would like to know whether anything can be done that way.

BY MR. GORDON:

Q It would be a very small part of the funeral expenses. The amount you would charge for





perpetual care would be very small, and it could be easily taken from the estate with no hardship.

A But have you power to do that?

BY THE CHAIRMAN:

Q I do not think you have. We were wondering whether you would like that power.

A I would like that power, but I have not got it.

MR. WEST: This cemetery I mentioned, there are plots containing children two and three years old, and the parents are not even buried there, they are away in another cemetery.

THE CHAIRMAN: That is really an abandoned cemetery?

MR. WEST: Yes.

THE CHAIRMAN: I am sorry I cannot tell you what to do, Mr. Cox, because I do not know, but we will see what comes out in our report, whether we are able to help the cemetery situation generally. We hope we can.

MR. WEST: Do you think we should send in a resolution? Would that help?

THE CHAIRMAN: We would be very glad to receive it.



NEIL E. McKINNON,

Hillsburg, Ontario, appearing before the Committee,  
but not being sworn, deposes and says:

THE DEPONENT: Mr. Chairman and gentlemen,  
I am very much interested in this cemetery discussion  
and so far it has been largely dealing with the  
abandoned cemeteries.

I am pretty well acquainted with the County  
Cemetery Committee, as I happen to be a Past-Chairman  
of the Coningsby Cemetery Committee, which many of  
the Committee and the past Reeves of Wellington  
County are aware of.

I realize the situation of the abandoned  
cemetery. This one in particular at Hillsburg has  
certainly been beautified.

I happened to be the Reeve when that was done,  
and authorized the removal of the stones, the way it  
is now.

Time went on and this became a very nice  
beauty spot. However, we have others which are  
badly neglected and are not as large, and in such  
conspicuous places for passersby.

I realize apart from the abandoned cemeteries,  
we have real problems in rural cemeteries at the  
present time, and at "God's Acre" we have kept it in



beauty and honour.

I may mention a few of the problems, and I would hope the gentlemen here in the higher court will come up with something which will help us in our work in the future.

I have a resolution drafted:

"In view of the fact that in many of our rural cemeteries there are many plot owners who fail to subscribe funds for the upkeep of their plots, and that in cases of where the estates of those buried in these cemeteries have been closed without provisions being made in the will for the permanent upkeep of their plots, and that all efforts to collect monies for such upkeep have failed, and that our cemeteries as a result, are not kept in condition that reflects honour and respect for our departed.

"I would move that we petition the Provincial Government to make such grants that would adequately cover all expenses required in the upkeep of such plots as above mentioned -- and further that perpetual care be a legitimate charge against the estate."





Our Coningsby Cemetery is quite a large cemetery. Part of it was provided by our forefathers. Permanent upkeep in that part is optional; some have taken it, and some have not.

Our point here is this: the families have gone away, and we as trustees, have to mow the grass and take care of that out of our own funds which are very small. On the other hand, if there is nothing coming from the will, we are left in that respect as well.

In the newer part of our cemetery, which would include about two acres, there have been two additions to the former old cemetery, and it has definitely permanent upkeep.

I do not need to tell you gentlemen when we first started these cemeteries, we could get  $5\frac{1}{2}\%$  and  $6\%$  interest on our money, labour was very cheap, living costs were very low. When we compare that with today and what we have to pay someone to take care of the cemetery and keep it in beauty and honour; our funds are inadequate and all we get from our bonds is about  $3\frac{1}{2}\%$ .

BY THE CHAIRMAN:

Q        There is no doubt about you being a "cemetery-minded man", so if we ask you questions,



we feel you can answer them because you have had a great deal of experience with cemeteries.

I would like to ask you the same questions as the other men. You have a section where the permanent upkeep was not required. Would you like to collect permanent upkeep before that can be used?

A Absolutely.

Q Supposing legislation was provided permitting cemeteries to make regulations which required<sup>in</sup>/<sub>a</sub> portion of the cemetery where a permanent upkeep had not been provided, you could require them to pay that before you opened a grave?

A From the will, yes.

Q Any way it could come, either by relatives or by the will.

A Yes, I think that would be fine.

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HARVEY DEERING,

appearing before the Committee, but not being sworn, deposes and says:

THE DEPONENT: 80% of the people who die have the wherewithal to give themselves a good burial. Money is no object. They pay the funeral men and so on, but they have nothing to take care of their graves.



I remember in one instance in my own graveyard, one man left \$100.00 to take care of his grave, but we could not touch the others with that money. His grave was well taken care of and we could not use any of the \$100.00 on the other graves. I may be going out on a limb, but I will say public sentiment will remove mountains. I say take it off the wills.

THE CHAIRMAN: What I suggest would be more drastic than that. What I suggest would require anyone to pay it whether they had a will or not.

THE DEPONENT: Any man who did not have the means, I say the Government could pay, they could take up the slack and let them pay the remainder.

BY THE CHAIRMAN:

Q I do not think you have a very good chance of getting that.

A In California, the State does everything.

Q And everyone gets buried.

A We all have to die. The funeral men and the monument men get their money.

Q Would you feel it was a terrible hardship if, before you opened that grave, you required you would be assured you would get paid for permanent upkeep?

A I would not say so. I would say it should be law. I have been in cemetery work for thirty



years, and I have been doing an uphill job for the last fifteen years. I have been fighting to get something done. This last year, I got up enough enthusiasm to get a bulldozer.

Q You know what they say about men like yourself, you probably will never get your reward on earth, but do not tire in well-doing, because the work you are doing is grand work. Whether you get any thanks from your fellow men, you are doing a fine work.

A Here is a man who will tell the same story. I could take stones there which are 75 years old, and we need help if we are to carry on this work.

Q I know some members of this Committee will agree with that, but after all, public sentiment is a wonderful thing. Do you know what they would think about that?

A We have an M.P.P. right here. We can take it to our Legislature.

Q I do not know much about Governments, but all Governments shy clear of direct grants, and I doubt if you would ever have any success in getting a Government to make up what a private individual should have paid.

A They take off Succession Duties.

Q Not from an individual.





A           They take it from a man who has died.

Q           I am not saying Governments will not help, but as you say, if you cannot collect it, then you want the Government to pay it.

A           The money would be paid 80% by the man who died, but the other 20% would be paid by the Government.

Q           Supposing those persons can save money for burials.     There are some persons whose life ambition is to have a good funeral.

A           They do not think of the hereafter, and how the grave is going to be taken care of. If there is some way to get ahead of the Succession Duties and the funeral and monument expenses, we would be far ahead.

MR. ALLEN (Middlesex South): The undertaker gets \$400. or \$500. and the monument man gets his share, why could not they pay a little for perpetual upkeep?

THE DEPONENT: I would like to have enough for perpetual upkeep, but we have not enough at \$50. a grave to get enough money to make it up on a small half acre. You could give us a little help.

BY THE CHAIRMAN:

Q           We were very interested in noticing how they did things in New York State. They have always had



non-profit cemeteries in New York State, and the cemeteries are supposedly not to make a profit.

The gentleman we were talking to had his mother and father buried in a cemetery in New York State, for which he paid \$7.00 per grave annual upkeep. There are places where it is more expensive to die than in Ontario. I do not believe many cemeteries get \$7.00 per grave per year in Ontario.

A Twenty-five years ago, a good funeral cost \$200. and today it is \$600.

Q I think this Committee, so far as that goes, will never solve the difficulties of the past. There are so many different kinds of problems that we cannot hope for that, but we do hope perhaps we can bring in some recommendations which will prevent a recurrence of those problems.

A What I am saying has nothing to do with the abandoned cemeteries. These are the ones which are going along half lame.

Q And you want to keep them from becoming abandoned?

A That is right.

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D O C T O R D A L E,

appearing before the Committee, but not being sworn,



deposes and says:

BY THE CHAIRMAN:

Q Do you wish to speak, Doctor Dale?

A I believe, as Public Health Doctor, we are responsible for the preventive measures in supervising the health of the living population, and of course, we are extending our activities, but I do think the sanitary measures regarding cemeteries are our responsibility, disinterments and so on. I would think the Public Health authorities, as such, in the local area, could take the responsibility for local matters which may involve judicial procedures, because we are not able to prosecute anybody.

Q You would not go so far as to say you do not want to prosecute?

A No, I would not say so, but we have in this County, about 95 cemeteries, and it takes time and effort, and as you know, we are short of personnel. We are, of course, doing our utmost towards preventive measures in keeping good health, public clinics, and other activities which keep us busy all year round. We have seven thousand school population to look after, and I cannot see our responsibility in supervising sanitary measures.

Q You would not feel hurt if we recommended taking some of that responsibility away from you?





A           I would not feel hurt at all. Of course, I would be glad to give you my advice on sanitary measures which are necessary, such as drainage, sewers, and other aspects, which specialists should advise upon. We feel that is our responsibility.

THE CHAIRMAN: Thank you, Doctor Dale.

There was an "expert" here of whom I was going to ask some questions, but he has disappeared.

MR. ROOT: He drove as much as 100 miles in some cases to look after perpetual care, and he has really worked on it. I am sorry he left before we could hear him.

THE CHAIRMAN: Speaking on behalf of the Committee, I want to thank the group of Wellington County who arranged the conveniences for the sitting of this Committee, and I want to say to everyone who has appeared before the Committee, that we realize what you have said is important.

I just want to be frank as far as some of the difficulties regarding older cemeteries are concerned. As I said before, I do not know whether we will ever be able to do what you think should be done in our recommendations, and not because this is not an immense problem.

However, in making recommendations which are



bold, the say-so of men like yourselves, who have told us your opinions upon which we may base our findings, is certainly of great value to us.

Although it may have been inconvenient for you to appear this morning, I want you to know that the Committee appreciates your appearing, and we will certainly consider what you have told us this morning, when we begin to write our report.

Are there any further questions or suggestions? If not, we will adjourn.

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---Whereupon the further proceedings of this Committee adjourned until 3:00 p.m. at Brantford.

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A F T E R N O O N   S E S S I O N

Brantford, Ontario,  
November 3rd, 1953,  
3:00 o'clock, p.m.

- - - - -

The further proceedings of this Committee  
reconvened pursuant to adjournment.

All parties present.

APPEARANCES:

Mr. J. Clarence McEwan,	Chairman, Township of Brantford Cemetery Committee.
Mr. Evan Cross,	Farrington Cemetery.
Mr. Edward James,	
His Worship Mayor Winters	of Brantford.
Mr. R. T. McGraw,	Chairman of the Brantford Cemetery Committee.
Mr. Grant Moffit,	Chairman of the Parks Board.
Mr. Leonard Joylyn,	Superintendent of the Cemetery and Parks Board.
Doctor Hutton,	Medical Officer of Health, Brantford.
Chief Powless,	Six Nations Reserve.
Mr. Stallwart,	Counsel to Chief Powless.
Mr. Ross Beckett,	



THE CHAIRMAN: Gentlemen, I wish first of all to apologize for being late. Time goes very quickly. We began our meeting in Guelph at ten o'clock and adjourned at twelve-thirty, and we are very sorry we kept you waiting.

May I ask Mr. Gordon to introduce the members of the Committee to you, and then we will meet you as you appear.

---Whereupon Mr. G. T. Gordon introduces members of the Select Committee.

THE CHAIRMAN: Thank you, Mr. Gordon. I might say, before I ask the representatives of Brantford Township Council to give us the benefit of their experience, that we came to Brantford for two especial reasons.

One was because we knew that the Committee of the Township of Brantford had done a very fine job in the renovation of some of the older cemeteries.

Abandoned cemeteries are quite a problem, and I am not sure this Committee will ever be able to solve that problem. However, we are interested in seeing the work of any municipality which has been a success. We stopped at one of your cemeteries on our way from Guelph, and certainly, if that is an indication of the job you are doing in Brantford Township, it shows you are doing very fine work.



1. The first part of the paper discusses the importance of maintaining accurate records of all transactions. This is essential for the proper management of the company's finances and for ensuring that all parties involved are kept up to date on the current status of the business.

2. The second part of the paper discusses the importance of maintaining accurate records of all transactions. This is essential for the proper management of the company's finances and for ensuring that all parties involved are kept up to date on the current status of the business.

3. The third part of the paper discusses the importance of maintaining accurate records of all transactions. This is essential for the proper management of the company's finances and for ensuring that all parties involved are kept up to date on the current status of the business.

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6. The sixth part of the paper discusses the importance of maintaining accurate records of all transactions. This is essential for the proper management of the company's finances and for ensuring that all parties involved are kept up to date on the current status of the business.

The other reason for coming to Brantford particularly is because of your having here, a municipal cemetery. We meet a great many types of cemeteries, and so far we have not heard much from those who manage and look after municipal cemeteries.

Your friend and our friend, Mr. Gordon, has been telling us of the fine job the City of Brantford did through their Parks Commission and their Cemetery Board, and realizing that perhaps at some time municipalities must become interested in cemeteries, we thought we would like to visit a couple of municipalities where they have been operating municipally-controlled and owned cemeteries, and to learn what we could from them.

I might tell you this Committee, I think, was selected largely because of the little they knew about cemeteries. Nobody on the Committee has, or has ever had, any connection with cemeteries, and what we know when we make our recommendation to the Legislature will be what men like yourselves have told us, so we do ask your co-operation and help, and assure you that we will give it serious consideration.

If we could have the representative from the Township Council of Brantford Township, we will be pleased to hear him.



MR. NEIL McEWAN,

appearing before the Committee, but not being sworn,  
deposes and says:

THE DEPONENT: Mr. Chairman, ladies and gentlemen, I seem to be the only member of our Council present here so far. However, I have a short brief here which I would like to present to you;

"CEMETERY IMPROVEMENTS IN THE TOWNSHIP OF  
BRANTFORD OF ABANDONED CEMETERIES

For some years prior to 1949 various attempts have been made by the Township to organize the Communities so that improvement could be made to several of the Cemeteries which lie in the Township of Brantford and which are to all intents and purposes abandoned or nearly abandoned.

"In 1949, the Council started to provide in their budget an appropriation of \$500.00 which was to be set aside in a special reserve unless it was spent on improvement of Cemeteries and consistently each year, this amount has been set aside into this special fund for the improvement of the abandoned or nearly abandoned Cemeteries, and in the year 1953, the amount was raised to \$1,500.00.



" The first project in the improvement of the abandoned Cemeteries was what is known as Tranquillity Cemetery."

I think that is the one you perhaps visited on the way in.

"The Council faced the problem of:

- (1) Passing the By-law to declare this Cemetery as an abandoned cemetery and to take over the control of the improvement of the cemetery.
- (2) In order that the Cemetery might be kept in proper order, such as cutting grass and planting of shrubs, etc., it necessitated that the stones in the Cemetery should be moved to facilitate this work as anyone can readily understand that it is almost an impossibility to effect such permanent improvement to a Cemetery where the stones are irregularly placed without heavy costs.

"The Council faced certain opposition from older residents whose families had been buried in the Cemetery in that they did not wish the stones to be moved, however, these people were not prepared to contribute to the upkeep of the Cemetery.

"Enquiry was made as to whether there was any right for the Municipality to move the





stones and it appears that the Statutes, up to the present time do not provide or do not empower a Municipal Council when taking over an abandoned Cemetery to have the right to move the stones.

"A plan of the Cemetery ground was first laid out and all the present known stones were made a record of on a plan showing the location of the stones".

I have the plan here, if you would care to see it later.

"From this a new diagram was then made out for the location of the stones made in a semi-circle and the layout of the ground for park purposes. The land was then graded and the stones were set up in accordance with the proposed plan. The cost of the improvements to this Cemetery ran approximately \$1,500.00.

"It was for this reason that the estimate in 1953 was raised to \$1,500.00 in order that the work on the abandoned cemeteries could be proceeded with more rapidly.

"The second cemetery to be renovated is the Brant Cemetery and it will cost approximately \$2,000.00 to put this Cemetery in reasonable order.



"There is some 7 or 8 abandoned cemeteries in the Township of Brantford to be improved.

"An example of this type of work can be seen by viewing the Tranquility Cemetery. This makes a historic park for the area and can in years to come be beautiful appropriately.

Recommendations: Should the Committee desire any recommendations or any suggestions, the Township of Brantford would suggest the following:

(1) That provision be made in the Statutes, when a By-law is passed by a Municipality declaring a Cemetery to be an abandoned Cemetery that they be given power, provided they subscribe to certain regulations, to move stones of an abandoned Cemetery and to place them in a position which would make the care for the Cemetery more convenient and better planned for improvement.

(2) That where two small Cemeteries are adjacent to one another, that the Municipality be empowered to purchase additional or adjacent land and to take the stones from both Cemeteries and put them in convenient order so that they can be better cared for and maintained.

(3) That the Department might well consider giving some assistance to this type of work in view of



the fact that assistance is granted for recreation, and other Community projects, such as Parks and Community Halls, etc., that a reasonable grant should be given to a Municipality when they expend money to preserve the History, and record of those early settlers of the Communities of the Province of Ontario."

BY THE CHAIRMAN:

Q           There are a few things which we would be interested in knowing, before you get away from us, Mr. McEwan.     What was the history of the beginning of this movement? Was it the work of a very few interested people, or was it the result of public demand, or what was it?

A           It was a rather public demand from the area where the cemetery Tranquility is situated. The ladies' institute was quite interested in having it cleaned up.

Q           What sort of cemetery had it been? Was it a church or a community cemetery?

A           It was a community cemetery, I believe, back as far as I can remember it.

Q           Probably some person had given land for it, had they?

A           I do not know about that, Mr. Chairman.



Q           There was no Board of Trustees?

A           Not as far back as I had any knowledge of.

Q           And no burials?

A           No, there had been some right down in front of the office where there was a group of monuments, but it has been quite a number of years since there have been any burials.

            However, they did not want these stones moved, so we said we would leave them there. There was an open ditch with underbrush growing up on all sides, and we put the tile in for drainage and got rid of the underbrush, which made quite an improvement. That is my own personal opinion.

Q           Did you have very much objection to the moving of the stones?

A           Not too much. There were a few who did object to those stones which are up by the office being moved, so we said we would leave them there. We went on and finished the rest of it, but there are others in some of the other cemeteries, which they did not want moved. We have three or four small cemeteries with not many more than eighteen or twenty stones in each one. We have two or three large ones as well.

Q           What do you propose to do with the small cemeteries?



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A           That is what we would like to hear from you, to move those perhaps to a location where they can be looked after better and more economically.   Where one is now, it is in a pasture field and you cannot get in or out unless you climb two or three fences.   There is no roadway into it.

              There is another one down near Hamilton and one on the Johnston Road where there is no fence at all, and it is grown up with big trees and weeds and is a disgrace.

Q           Would you find any opposition to the taking of the stones?   You did not mean to disinter the bodies?

A           No.   We had a map drawn and all the stones were plotted and properly placed on the map.   We have them listed on that with the names on the monuments, and they are all set in a semi-circle.   You can pick out where each one is.

Q           What do you intend to do?   You mentioned one where there is perhaps twelve graves.   What do you intend to do with the land when they take the stones away?

A           I do not know.   Would they have a claim on it?

Q           You did not intend to disinter the bodies?



A           No, that would be almost impossible, because some of them have been buried there for so long, I do not know how you could move them.

Q           There is quite a difference in thinking as far as turning that back into farmland is concerned.

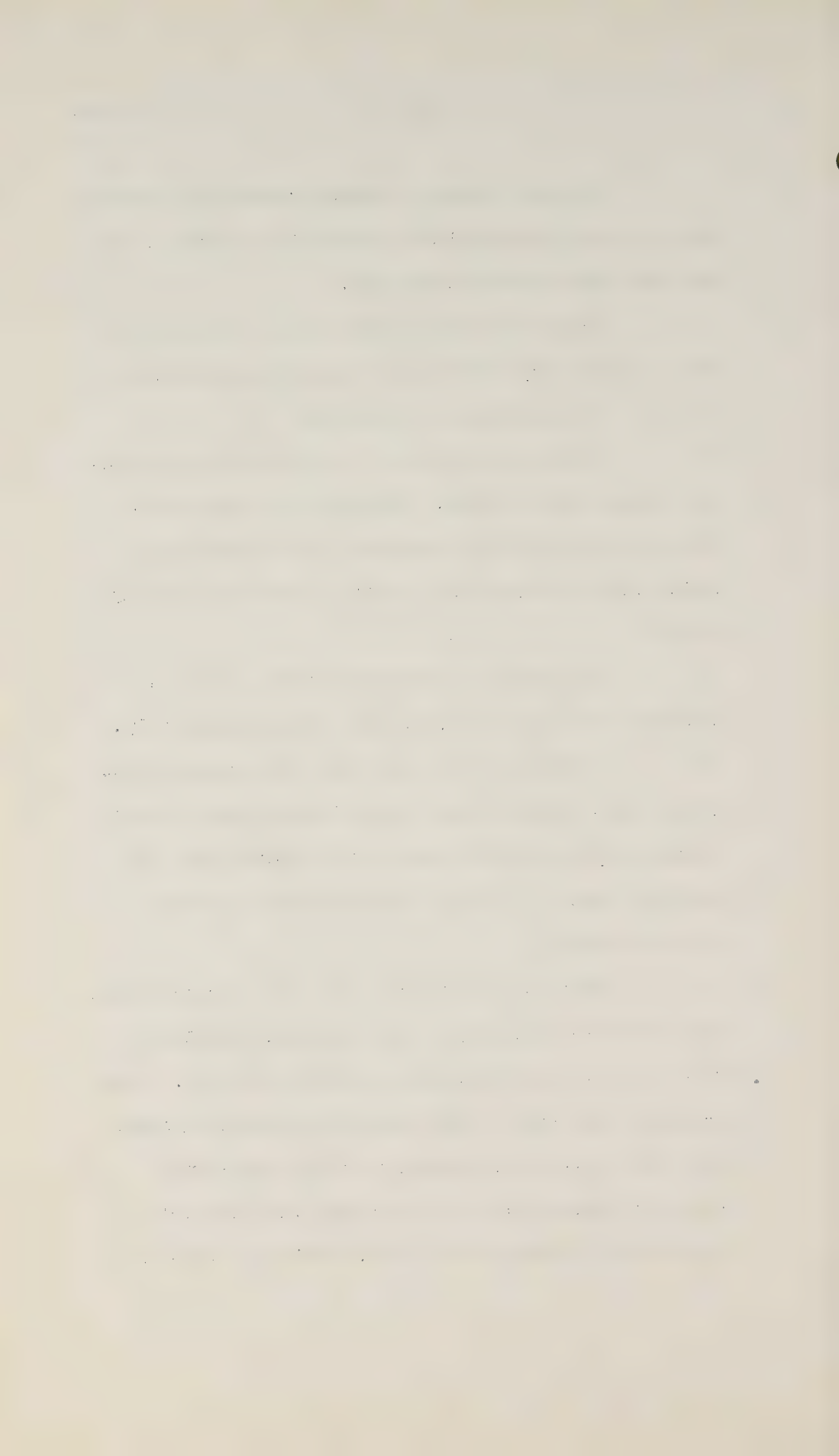
A           Do you think it should be?

Q           I am not thinking. I am trying to find out what someone else thinks. Have you no objection to turning that back into farmland? Do you think you would find any objection to that, or have you had any at all?

A           It could be left fenced there, but it is impossible to keep it in any order very economically.

Q           I would not ask you about the economic side of it, but I am wondering if you find persons in your community who object to that on the grounds that "a tomb is a tomb, it is a sacred place and should not be touched."

A           There may be the odd one, but I do not think there would be very many. All those old families have moved away and there are no relatives here. They sometimes come back in the summertime on holidays and they like to go to the cemetery to see where their people are buried, but we would like that map made and have the stones set in a semi-circle; we think it



should be alright.

Q I am not complaining, but I am wondering if you could do that, and if you would not run into opposition?

A That is what we are asking for.

Q This morning, in meeting with the group from Wellington County, they have exactly the opposite opinion. Their opinion is all those small cemeteries must be preserved as cemeteries, and that each one should be preserved in its entirety.

A Are their cemeteries similar to ours, fenced off in a field with no roadway in?

Q Their view is that they would like to re-forest that plot.

A And leave the monuments there?

Q Yes, of course, they would finally disintegrate.

A I could see the point in that, perhaps, if we moved the stones to a permanent place and set them up in a semi-circle the same as we did at Tranquility.

Q My own personal thinking is that nothing is as bad as the present.

A No, I agree with that.

Anything is better than that. I am not trying to suggest you should not do that. Please do





not think that. We discussed this with another representative from one of the Townships and they had done very much as you say. They had moved the stones and bought a plot in a modern cemetery, placed those stones in that plot, bought permanent upkeep, and they found no objection to that.

I think everyone will agree that these neglected cemeteries are not desired. We were surprised to find in Wellington County they have 95 cemeteries, 16 in one township. I think it may have been in the backs of the minds of some of the members of the Committee that those abandoned cemeteries must become the responsibility of the municipality, and they were objecting to the fact the local municipality might be saddled with a great many cemeteries which served other municipalities.

A Have you ever been out to visit any abandoned cemeteries, Mr. Chairman?

Q Yes.

A Some of them are not very nice. I would like to take you out to one or two of ours. They are terrible.

Sometimes you do not need to go out to find one.

I think the worst one we have ever seen, we



found in a large city, on a very valuable piece of land.

You are not experiencing any difficulty from your own people in the progress of this work?

A No, there were one or two who objected, as I say, even in Tranquility, so we just left them, and beautified it where it was.

Q If new legislation was going to be brought down, do you think there should be included in that, some legislation which would not enable one person to hold up a whole cemetery being renovated?

As it is now, of course, every person has a right to speak, and if one person objects, they can object, and cause a great deal of trouble. I have never had anything to do with the closing of a cemetery, but Doctor Berry has, and he often has told us he has found one or two persons who could give the group who are trying to do the work, a great deal of trouble.

It ran through my mind if there was legislation which was intended to insist in renovating these cemeteries, if there should be a certain percentage of the lot owners would have to object before the objection need be considered.

A I think something along that line would fall in with our thoughts.

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Q If two or three hundred wanted to do that, one or two should not object.

A I believe so.

Q Before you get away, where do you think a Township's interest in cemeteries should begin. Do you think it should only be in an abandoned cemetery? Do you think Townships should endeavour to take over church cemeteries or other cemeteries?

A We have had no obligations along that line.

Q Your thought is the work of the Township ceases there?

A That has been our thought so far. There may come a time when they have to do that, but at the present time, our thought has been more or less to deal with the abandoned cemeteries, to try to get them cleaned up.

Q We know from what we have heard already that we are never going to accomplish what a great many persons think this Committee will accomplish, so far as legislation of older cemeteries is concerned. Even those operating now, if new regulations were brought in, they could not apply to cemeteries which are already operating, but we do think it might be possible to endeavour to recommend regulations which would perhaps be considered very strict in the



establishment of new cemeteries, to make certain those cemeteries would not become burdens and charges on the municipality.

A I think it would be a good idea.

Q This might be the legislation, that a definite amount of money must be set aside to make sure there is a permanent upkeep fund sufficient to look after it, the direction or investing of that fund would be under the oversight of some responsible part of government, somewhere, that the funds would have to be invested in trustee funds, and perhaps be under supervision as insurance companies are, at the present time.

A I think we have one in our township now known as the Farrington Cemetery, which is perhaps run along that line. Mr. Cross is here, Chairman of the Committee of that cemetery.

Q Would you feel if those regulations appeared very strict and difficult to the establishment of a new cemetery, that criticism would be unfair, or do you think if new regulations are going to be brought in by legislation, they should be very definite and very strict to make sure of that?

A I think they should. That is my own personal opinion.



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Q It is just your own personal opinion I want. I know you have been thinking a lot about cemeteries.

A Yes. I do not think they should be left for the municipality to take care of.

Q Even a church cemetery would not be abled to be established unless they had a proper set-up so far as permanent upkeep was concerned.

A Yes.

Q I do not think many churches, with the exception of the Roman Catholic Church, are establishing cemeteries, and I believe they are all in favour of a proper set-up in the beginning.

A I think you are right.

THE CHAIRMAN: Would any members of the Committee care to ask any questions at this point?

BY MR. ROOT:

Q Did these people who objected to you moving the stones ever offer to give any financial assistance?

A No, they were not prepared to contribute anything towards the upkeep at all.

Q Would that be a way around that, if a municipality was taking over a cemetery, if they advertised for a group to come forward and establish a care fund, and if they failed to do that, a

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main results of the paper.

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municipality would be free to remove the stones.

Would that be a way of getting around that?

A Yes, we thought perhaps the Legislature could pass some legislation regarding that. I do not know if you could do that.

BY THE CHAIRMAN:

Q This is my own personal opinion, it is not the opinion of the Committee body, but it seems to me if you are undertaking the renovation of the cemetery, that you cannot make plans to have very many exceptions. The majority must rule and the minority must fall into line, if it is a very small minority.

A I quite agree with you on that.

Q That is just my personal thought, it is not the expression of this Committee.

BY MR. WHITNEY:

Q The cemeteries which are partly neglected which should be maintained but have funds for maintenance which are far from adequate, are gradually getting to be in the neglected cemetery class?

A There is only one I believe which is the Brant Cemetery. It was connected with a church cemetery, and they had a fund set up, I think it was \$400., and they wanted the township to take it over. They handed the money over to us to take charge of



the cemetery. There have been one or two burials in there in the last five or six years, but that is the only one. The others are really all abandoned cemeteries.

Q The point I had in mind is that if the municipalities are taking over a certain number of cemeteries, might there not be a feeling on the part of some of our people who have been making great efforts and have been fighting a losing battle, that if they just give up, perhaps the municipality will look after them, and that is all there will be to it?

The suggestion has been made in a number of places where an organizations such as the Women's Institute -- which I believe you mentioned originally was interested in Tranquillity Cemetery -- are induced to take an interest. Perhaps the Township Council have given them grants. In other cases, they have managed to raise enough local enthusiasm to form a Board of their own. They would make collections and actually keep the cemetery in a very good condition.

I was just wondering if the general municipal application might not have the result of putting further burdens on the municipal taxpayer without first exploring the idea of getting voluntary and community efforts behind each local cemetery.





A           Regarding the cemetery we were just talking about, they were not prepared to contribute to the finances.    They wanted to see it cleaned up and were willing to help. When we moved the stones off, and laid them to one side, they helped to do that, but financially, they were not prepared to contribute.

BY MR. GORDON;

Q           You say there have been some burials in Brant Cemetery recently, but they have neglected the perpetual care fund.    Do you have a perpetual care fund set up?

A           Only the fund which the church had.    They had \$400. in that fund.

Q           Anybody now who is buried in that cemetery does not pay anything towards the upkeep of that grave?

A           No.

Q           Do you think you should have a perpetual care fund for anyone who is buried in Brant Cemetery? Do you think you should have a fund and they should pay into it?

A           It would perhaps start some trouble.

BY THE CHAIRMAN:

Q           You would not have many burials.

A           No, there have been only one or two.



BY MR. GORDON:

Q Does not some responsibility rest on the Presbytery of that church ? Does not some responsibility rest with them for that cemetery?

A If there is, I have not heard of it.

BY THE CHAIRMAN:

Q I think likely he has not either. We had a representative of the United Church, representing the General Council, who appeared before this Committee, and he assured us the United Church looked after their cemeteries.

However, I am afraid he was not very well informed.

MR. GORDON: That is what I had in mind, Mr. Chairman. This minister said in all their cemeteries, they would see they were not abandoned. Here is a particular case where they tore the church down and left the cemetery and \$400. to the Township Council to do what they could with it, and that is the end.

BY THE CHAIRMAN:

Q I really would not see how the church, who were not in the cemetery business, could find funds for that sort of work. I thought that when he mentioned it. I wondered where they would get the

# REPORT

ON THE PROGRESS OF THE

WORK DURING THE YEAR 1888

IN THE

DEPARTMENT OF

AGRICULTURE

AND

FOREST SERVICE

FOR THE YEAR 1888

BY

THE

COMMISSIONER OF

AGRICULTURE

AND

FOREST SERVICE

WASHINGTON

1889

PRINTED BY THE

GOVERNMENT PRINTING OFFICE

WASHINGTON

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money.

A           As I said before, if there is, I have not heard of it, in connection with Brant Cemetery, anyway.

MR. GORDON: It might be a thought to try.

BY THE CHAIRMAN:

Q           Have you an account of the cost of the maintenance of that Tranquility Cemetery for a year?

A           No, we just finished it last year. I do not know if they have the cost for this year for maintenance. I have not got that for you, but it has not been too great. It would only amount to the cutting of the grass, and the people there have been very good about it. They have been so pleased with it, they have turned out and helped themselves.

BY MR. SANDERCOCK:

Q           You do not intend to do any more than that, just keep the grass cut?

A           Perhaps we could put in some shrubs. In the summertime, there is a roadside table there for anyone who wishes to use it,

BY THE CHAIRMAN:

Q           Mr. McEwan has been very kind, and this has been very interesting. You must be very proud of the work you are doing. If you get tired, do not get discouraged, because you are doing very fine work.



A           That cemetery in particular looks good to us.

Q           Any cemetery could look as well.

A           The Brant Cemetery, for instance, is going to be much harder.     There are so many big stones in there which we will have to leave, and the ones which are down, we will have them put back up again, and we will fill in the sunken places. I do not think we can do what we did with Tranquility.

            If you are going down the Hamilton Highway, it is on the left-hand side at Brant.

MR. EVAN CROSS: I would like to know what the people paid for their lots in the abandoned cemeteries. It was before my time, but I think they probably gave \$3.00 a lot.

THE CHAIRMAN: I do not know whether Mr. McEwan knows or not.

MR. CROSS: As far as moving the stones and so forth to beautify it, to hold it up for the sake of \$3.00 a lot, and no perpetual maintenance is not right.

THE CHAIRMAN: I suppose that is true, but I remember the lot my father bought in a cemetery which was \$4.00.

MR. CROSS: Today, the Act requires perpetual maintenance, does it not?





DOCTOR BERRY: In cemeteries operated for profit only.

THE CHAIRMAN: That is why I asked the question whether or not there would be objection to requiring it in every cemetery. It might keep some small cemeteries from being established.

MR. CROSS: We have two cemeteries which are probably family cemeteries, which have been built on their own farm, and perhaps they did not pay anything for it.

MR. HALL: There are abandoned cemeteries around home on a small piece of land which were given for burying grounds. They have been filled in, and there was nothing paid for those cemeteries at all.

THE CHAIRMAN: Thank you very much, Mr. McEwan and Mr. Cross.

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EDWARD JAMES,

appearing before the Committee, but not being sworn, deposes and says:

THE DEPONENT: I would like to ask a question. Are they planning doing anything with the one on "99"? A few years ago, it was a fair cemetery, in fair shape, and I had my young brother buried there at that time. It was in fair shape, and we are



planning on buying more plots, and I thought things got behind.

I would like to see it fixed up, and I was wondering if you were planning on going in, in the near future?

MR. McEWAN: There is nothing being done about that yet, but would there be any objection out there if we were to go in?

THE DEPONENT: I do not know. My brother is there, and my father is out there, and we would like to see it cleaned up. It is too big a job, and there are only a few of us remaining who have any relations in there. The rest have all gone away.

I would like to have an idea if you were going to do anything about that. I would like to see it cleaned up.

MR. McEWAN: How many graves are in there?

THE DEPONENT: At the time my brother was in there, there were no tombstones, and we would like to put one there. It is in no condition to put one in, to put the tombstone amongst the weeds.

MR. McEWAN: We intend carrying on as fast as we can.

THE CHAIRMAN: Thank you very much.

I noticed we have Mayor Winters



with us. Were you going to speak to us?

HIS WORSHIP MAYOR WINTERS: I was not going to speak, but I would like to express my appreciation for you people coming here to Brantford, and if I might extend a welcome , I am very glad to have your presence, and I see some of my friends here.

We, in our/city, have a very fine set-up in our cemeteries and we feel we should maintain them, as equal to our playgrounds, and I think we have. We are very proud of our cemeteries. It comes under our Parks Board. We have Mr. Moffit, Mr. McGraw and Mr. Joylyn, and I think they will speak on behalf of our cemeteries. Once again, I thank you.

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MR. GRANT MOFFIT,

appearing before the Committee, but not being sworn, deposes and says:

THE DEPONENT: I notice that you asked Mr. McEwan if he knew approximately what it would cost per grave and what we are paying out for the cemeteries. That information I think will be contained in a brief which I will leave with you, which I think will help you to understand the set-up in Brantford.





"The following information concerns the Brantford Cemeteries vis: Mount Hope and Greenwood. Both cemeteries are owned by the City of Brantford and controlled by the Board of Park Management.

"Previous to 1936, perpetual care was Six Dollars per year for 12 graves, Three Dollars per year for 6 graves, One Dollar and Fifty Cents for 3 graves and Fifty Cents for 1 grave. After 1936, outstanding accounts for perpetual care were written off and a charge of Ten Dollars per grave was set up and from then on up to the present date, fifty per cent of all lot sales is set aside and invested in trustee bonds, the interest from which is applied for maintenance of the lot in perpetuity.

"Up to the end of 1952, we have \$150,864.80 invested in bonds. Our Board is desirous of having the percentage for perpetual care increased to sixty per cent, ten per cent of this to be set aside for future purposes, such as the purchase of a new cemetery. Should the occasion arise by doing this, the cemetery committee of future years would not have to go to the City Council and ask for debentures to be issued for such a thing.



"Another suggestion this Board would like considered by your Committee is, that Cemetery Boards should be empowered to remove bodies and tombstones of old graves should it be deemed necessary, in order to conform with existing rules and regulations.

"Furthermore, this Board recommends that permacrete vaults be used in all cemeteries instead of the wooden rough boxes, such vaults to be purchased by the Cemetery Commission or the undertaker for resale to the public. Using permacrete vaults would eliminate added maintenance costs caused by continual sinkings."

"BOARD OF PARK MANAGEMENT

BRANTFORD, ONT.

CEMETERIES DIVISION

The following sections of the Rules and Regulations governing the Brantford Cemeteries to be amended to read as follows:

Section 61, page 24

The following shall be the tariff of rates in respect to the purchasing of lots in Mount Hope and Greenwood Cemeteries, (in all cases an amount as stated below is included as perpetual care):



	<u>Old Rate</u>	<u>Preferred New Rate</u>
6 Graves	\$ 200.00	\$ 300.00
4 Graves	140.00	200.00
3 Graves	100.00	150.00
2 Graves	70.00	100.00

Out of the above charges fifty per cent (50%) of the amount stated shall be set aside and invested in trustee bonds, the interest from which will be applied for maintenance of the lot in perpetuity.

Sec. 63, page 26Single Graves

1. Adults shell over 5' (including lot, interment charges, grave trim and lowering device and perpetual care);

	<u>Old Rate</u>	<u>Preferred New Rate</u>
	\$36.00	\$54.00
2. Semi-adult (as above in # 1) Shell 4' - 5' length	\$25.00	\$37.50
3. Child shell (as above in # 1) 3' - 4' length	\$18.00	\$27.00
4. Child Stillborn (as above in # 1)	\$10.00	\$15.00
5. Preferred Single Grave space only	\$33.00	\$49.50

Charges to Lot Owners

Grave trim and lowering device	\$3.00	\$ 6.00
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<u>Interment Charges</u>	<u>Old Rate</u>	<u>Preferred New Rate</u>
Adult Shell, 2'8" and under	\$13.00	\$20.50
Adult Shell over 2'8" or Vault	15.00	22.50
Adults Extra Deep	16.00	24.00
Child Shell over 4' & under 5' in length	10.00	15.00
Child Shell over 3' & under 4' in length	8.00	12.00
Child Shell over 3' & under 4', Extra Deep	11.00	16.50
Child Stillborn	4.50	6.50

Sec. 64, page 27

The following shall be the tariff of charges  
for re-opening graves for removing bodies:

1. Re-opening grave to place second body on top,  
is not extra deep.

	<u>Old Rate</u>	<u>Preferred New Rate</u>
Adult Shell, 5' and over	\$22.50	\$34.00
Child Shell under 5'	15.00	22.50

2. Removal of bodies from one part of cemetery  
to another, including interment in new grave.

Adult Shell exceeding 5'	35.00	53.00
Child Shell 5' and under	28.50	42.00

3. Opening grave and raising remains for removal  
to other cemeteries:

Adult Shell exceeding 5'	22.50	34.00
Child Shell 5' and under	18.00	27.00





Sec. 65, page 27

A charge of Seven Dollars and Fifty Cents (\$7.50) old rate is made for the use of the Chapel Tent in Mount Hope and Greenwood Cemeteries. (Preferred new Rate \$10.75)

Local funeral directors may secure use of Chapel Tent for Outside cemeteries upon the payment of a minimum charge of Nine Dollars and Fifty Cents (\$9.50). (Preferred new rate \$14.25), provided they assume all responsibility for tent when away from our care, pay all charges including transportation, and that employees of the Board will set up and take down the Tent.

FOUNDATIONS

Preparing new foundation - ( 6 feet deep and 3 inches outside monument)

20 cubic feet and under    per cubic foot    \$1.00  
over 20 cubic feet - \$20.00 plus 90 cents per cubic foot for each cubic foot over 20.

Repairing old foundations - based on cost but concrete work not less than rates for new foundations.

MARKERS

up to 6" x 12"	\$2.75
over 6" x 12" to 8" x 14"	3.75
over 8" x 14"	4.50
Setting Corner Posts        each	.50



BOARD OF PARK MANAGEMENT

CEMETERIES DIVISION

REVENUE

<u>BURIAL FEES</u>	<u>1950</u>	<u>1951</u>	<u>1952</u>
Greenwood and Mount Hope	\$4,438.00	\$5,532.25	\$4,647.54
<u>LOT SALES</u>			
Greenwood and Mount Hope	3,637.00	5,026.00	4,135.00
<u>USE OF LOWERING DEVICE</u>	1,095.00	1,146.00	935.00
<u>FOUNDATIONS</u>			
Greenwood and Mount Hope	1,517.12	1,637.39	1,584.33
<u>SUNDRIES</u>			
Greenwood and Mount Hope	1,307.00	386.39	382.80

CITY OF BRANTFORD APPROPRIATION

<u>1950</u>	<u>1951</u>	<u>1952</u>	<u>1953</u>
\$11,700.00	\$16,199.00	\$16,033.00	\$10,900.00

EXPENDITURES

MOUNT HOPE & GREENWOOD

\$28,953.14	\$35,309.99	\$33,678.68
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NUMBER OF BURIALS

<u>1950</u>	<u>1951</u>	<u>1952</u>
387	389	354

INVESTMENTS PERPETUAL CARE EARNINGS

<u>1950</u>	<u>1951</u>	<u>1952</u>
\$124,984.53	\$136,236.11	\$150,864.80

INTEREST

\$3,760.00	\$3,940.00	\$3,963.00	"
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We, on the Parks Board, have been connected with cemeteries for ten years, and I have made quite a little study of it, and sometimes I think I do not know anything yet.

For instance, I did not know you did not need perpetual care in every cemetery today. We have it here.

BY THE CHAIRMAN:

Q Do you mind if I interrupt you once in a while?

A Not a bit.

Q Do you have it on the entire cemetery?

A Yes. What I mean is, we have it for any graves which are sold now. I forget how many years that goes back.

Q Could I ask you this while you are speaking on that: do you have any burials in your part where there is no perpetual upkeep?

A No. At the time the fees were set for the land, we were hiring men for \$3.00 a day and we were getting 6% interest. Of course, that was sufficient at the time to look after our perpetual care set-up, but in the last fifteen or twenty years, it has changed, and today we are getting 2-3/4% and 3% interest, and our wages have doubled. That has put





us in the city of Brantford -- and I imagine it is the same everywhere else -- that we have had to subsidize our cemeteries from our tax rate.

Last year, it ran from \$10,000. to \$16,000. in this city, so that we feel we should make a change in our costs, and collections, but we have to honour those contracts which we have already made. There is no question about that. We have known for five or six years now that we have gradually been getting worse, but we have been doing nothing about it, and it is time we did something about it. We heard you were going into that sort of thing, and I felt we should mention it.

Q You would have no difficulty. I happen to have been told the price which you charge for lots for graves. Are they four-grave plots?

A I have that information, which I will leave with you so you will have it.

Q And your permanent upkeep fund, which is very low in comparison with others?

A Yes, I happen to know that in the United States, certain cemeteries are leaving quite large estates. I do not agree with that, but I do not think we should be running a municipal cemetery as a loss, which has to be subsidized by the taxpayers. I



think there is a happy medium.

This city does not want to create any surplus, but I think it should be sufficient to cover any loss. We think there could be some scale which would not be evenly set up throughout the country, because where you have some land which is much easier work than others. There are some suggestions which we would like to make, and our Cemeteries Chairman is here to tell you about them.

I think he will suggest to you some ideas which will work out and will cut our maintenance costs. If they could be put into effect, they would cut down the costs and possibly get us "out of the red".

Q If this is not going to be covered otherwise, could I ask you how you handle your permanent upkeep fund?

A Through the trust funds under the rules of your Trust regulations and the City Treasurer is Treasurer of that. It goes into that fund and is invested, and then we get the interest on that each year.

Q Does your City Treasurer invest that himself?

A Yes.

Q What would you think, as a municipal cemetery, if legislation was brought down which prohibited that, and required you to invest that money in trust funds,



either through trust companies or with the Public Trustee, and that all trust monies must be definitely in a trust.

A I would have no objection personally, no. It does not make any difference. It is still a trust fund as far as I am concerned.

Q But if legislation was brought down requiring all cemeteries to handle their funds in the same way, I am asking, as I have asked churches, if they would object.

A No objection at all, is my personal opinion. I think it would definitely help throughout the country, and it would not make any difference to us.

Q The reason for that is that some group can, if they so desire, if they were buying a new cemetery, make use of the trust fund.

A The perpetual care? I do not believe so.

Q I do not see how you could stop them.

A It is used for maintenance of those graves.

Q As long as you live up to your agreement. But if you did not, and you instructed your Treasurer to do it, would not he be required to do it, if city council instructed him?

A I do not think he would dare do it.



Q But they <sup>could</sup>/do it. You are not required to have this fund in an absolute trust fund where you lose control.

A I think so.

Q Only profit cemeteries. Is that right, Doctor Berry?

DOCTOR BERRY: Yes.

HIS WORSHIP MAYOR WINTERS: I think it is by resolution of the City Council.

BY THE CHAIRMAN:

Q Could not you get by City Council?

A They are invested in trustee securities, which is a different thing. They can be rescinded by City Council.

Q That was my point. I am just asking if there would be any objection on the part of a group like yourselves if you were required to meet the same requirements which profit cemeteries, for instance, are required to meet?

A As far as I would be concerned, those funds should definitely be done that way. You could lower your rates if you were getting too much money, but you must never touch your trust fund.

I will call upon the Chairman of the Cemetery Committee.





MR. R. T. McGRAW,

Chairman, Cemetery Committee, appearing before the Committee, but not being sworn, deposes and says:

BY THE CHAIRMAN:

Q We will hear you now, Mr. McGraw.

A I might say I am the Chairman of the Cemetery Committee, which is a special committee of the Parks Board. From the length of time I have been on the Parks Board, I have come to realize that when the Chairmen of all other committees are appointed they decide on someone to be Chairman of the Cemetery Committee.

I have come here more to learn, more or less like you stated in the very beginning. Your Committee was chosen for its lack of knowledge on cemetery affairs, and I think probably members of the Parks Board are in the same position.

However, we have had handed down to us, two very excellent municipally-owned cemeteries, and our present Parks Board, for ten years, have just done an administrative job.

We have had no occasion to buy any new cemeteries, although talking to the Mayor today, I understand we are contemplating the purchase of a new cemetery.

Our fund invested in trustee securities



amounts to about \$150,000. which brings us in approximately \$5,300. a year, which is totally inadequate for the maintenance of the cemeteries at the present time.

As our Chairman has said, we have had to subsidize them, and they have always had to be subsidized by the City Council. We have had no trouble financially. The City Council has always provided plenty of money for the maintenance of the cemeteries in quite a satisfactory manner.

As I say, we came here more to learn, and we feel we have to, because we do not consider we have done anything different than what most municipalities do. We have just carried on the maintenance of cemeteries.

Q How much do you set aside for the permanent upkeep fund from the sale of the lots?

A 50% from the sale of the lots has been set aside. There is a brief with the amount of money that is coming in, the amount of money which we have charged for lots. We set aside 50% now, which was the rule set up previous to this Board.

Mr. Moffit, do you know whether the 50% we are charging now for perpetual care was always the same?

MR. MOFFIT: As long as I remember, since



1934.

BY THE CHAIRMAN:

Q           What do you charge for graves? You have single graves?

A           \$30.00 for a single grave, \$70.00 for two graves, \$120.00 for three graves, and \$200.00 for four graves.

BY MR. ROOT:

Q           You have just one price?

A           Yes.

Q           Do you think 50% is sufficient?

A           Decidedly not, especially at the present rates we are charging.

BY THE CHAIRMAN:

Q           Purely as a matter of curiosity, why do you charge more for four graves than you charge for four single graves?

A           For the simple reason, the single graves are all in one row. The single grave is in one portion of the cemetery which is designated for single graves, the two-grave lot is in an area for two-graves, the same with three-grave lots. We have another area designated for that.

Q           It may be a preferable area?

A           That is true.





The area containing the single graves is not as desirable a location. By reason of each grave being set next to another grave, it does not make any plot area, as it were. The others are worth a little more. It makes more of a family connection. Four-grave lots are preferable to four single graves.

Q Does everyone seem to be well satisfied with the municipal cemetery, and with the cemetery which is owned municipally? There are not so many.

A Outside of complaints regarding maintenance and neglect, we get occasional complaints of that nature, but there are no fundamental complaints, none about set-up or things of that nature. We sometimes have individual complaints that a grave is not properly taken care of, the grass is not cut, or it shows a few weeds, that is natural.

Q Of course, your people who have bought lots and graves have had a very good deal, have they not? They should not complain.

A Yes, looking at things from present-day conditions, the people who were fortunate, or unfortunate, to acquire lots years ago have been better financially than they would be today. Our prices have not advanced.

Q And the city is perfectly satisfied with



the municipal set-up?

A           The city apparently is satisfied.

Q           If they are thinking of buying another cemetery, they must be.

A           It is not so much a question of being satisfied with the present set-up. It may be a thought on the part of the city administration that cemeteries are part and parcel of municipal administration, the same as garbage collection or shelter. We must look after that.

Q           Although the operation of a cemetery is almost like a cemetery trust.

A           It is very similar, and while the City Treasurer administers the funds, and it is not a trust fund, we have implicit confidence, and we have never had any reason to believe that the City or any Council would ever make any change in that. Our only objection is the trust fund is not big enough, and we want to try to make it bigger, so that a new cemetery, if we can establish one, will be as near self-sustaining as possible.

Q           Where would the new cemetery be situated?

A           This is only a personal idea --

Q           I should not ask you that, but I will ask you this: would it likely be in the City of Brantford?



A           No, it would be outside. Most cities have grown considerably like we have here in Brantford, and I expect we will go out a good many miles.

Q           It is a great opportunity to have you here and thinking of establishing a new cemetery, because there is not much doubt that some of the recommendations of this Committee will have to do with the establishment of new cemeteries.       One of the problems which has come to our attention regarding new cemeteries has been just what you are going to do here. You are going to establish a cemetery in another municipality?

A           Yes.

Q           How would you feel toward that other municipality if you were required to establish a fund which would be there to pay for frontage taxes, or whatever might be necessary.

A           As far as I am concerned,-- and these are my personal opinions -- I would welcome that the cemetery should go into the other municipality, and any frontage taxes which were necessary, should be paid. The cemeteries should pay their own way right from the inception.

          While it was operated by a different municipality, there might be infringement on the rights



of another municipality . . . We came here more to try to learn. We had been talking to the Chairman and to the Mayor about a new cemetery, and of course it will be the first time, as far as the City of Brantford is concerned, that venture has taken place in over fifty years.

We have nothing to guide us except whatever we may learn here from Doctor Berry or yourselves.

Q We have thought about this, and it is surprising what a small amount of money would be needed to be <sup>added</sup> to the sale of the lots to provide a fund, the interest of which would take care of any frontage taxes or anything of that sort. It would be a very, very small amount. It would never be noticed on the sale price of the lots. We do find municipalities complaining, even in the city, and in their own city, because of a cemetery which may run along a street for some little distance, the persons on the other side of the street having difficulty in getting things done because the cemetery does not pay those frontage taxes.

A Is it permissible to ask a question of the Chairman or Doctor Berry while you are here?

Q You ask me, and Doctor Berry will answer.

A That is the same with us. You ask me, and





the Superintendent will answer. Would it be the thought of Doctor Berry if we did see our way clear to establish a cemetery here, it should be along the line of the Memorial Parks which are being established by profit companies?

DOCTOR BERRY: That is a very good question. I would say it all depends entirely upon what you wish and what the people in your area desire. I think you may know whether or not the feeling of the people is in favour of that type of cemetery, or whether it is in favour of the monument type cemetery.

THE DEPONENT: That is what I do not know, and that is what we are trying to find out in view of the experience which you gentlemen have had all over the province of Ontario. I thought possibly your advice on this matter would help us.

BY THE CHAIRMAN:

Q We could not give you advice, but I think we should tell you this from representations we have had before the Committee, it would indicate the Cemetery Boards will be considering the possibility of having what you might call a garden section or sections in their cemeteries without monuments.

We visited a cemetery which was very nicely handled, which was Mount Hope Roman Catholic Cemetery



in Toronto. They had gone a long way toward having their cemetery quite uniform. They had a small garden section. They had something like yourselves, one district, where, if you wanted to have a monument two feet high, you would have a lot in that section, and other sections where the stones were higher, but they were all the same size, and it looked very uniform and it looked lovely.

MR. JOYLYN: We established that two years ago in one section. In one section, there are flat markers only.

BY THE CHAIRMAN:

Q I think you certainly could well afford to give that consideration.

A You think, from you experience, that answers the problem quite well. The dual type is more preferable to a memorial or a monument type. That is why we were anxious different people should appear. We have no cross-section of opinion, because this is the first time there has been an open forum on cemetery matters. We have no way of knowing what the City of Brantford would like, and if you did not get some outside advice, you might decide to do the wrong thing.

Q You evidently do not have any competition?



A            We have no competition from privately-owned cemeteries, except Farrington, and it is certainly the highest type of competition that anyone could have. There is no selling, and there never was. We have, of course, a Catholic Cemetery here, and two municipally-owned cemeteries and Farrington. But we have never figured it as competition, because our cemeteries are not of this newer development type, which probably many people in the government do not like too well, high-pressure selling and so forth. We have none of that, nor is there any in the adjacent area.

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LEONARD JOYLYN,

Superintendent, Cemetery and Parks Board Committee, appearing before the Committee, but not being sworn, deposes and says:

THE DEPONENT: What I would like to ask first of all is, could a cemetery commission be given power to move gravestones from a municipally-owned cemetery? In a portion of our cemetery, we have a matter of about thirty old stones which have been in there for I don't know how many years. Could we move all those stones to a cemetery which is already in use?



BY THE CHAIRMAN:

Q If legislation were brought down permitting that, we would please at least two people, would we not?

A There is no legislation for that now, is there?

DOCTOR BERRY: No.

BY THE CHAIRMAN:

Q And I cannot tell you what this Committee is going to recommend, because I am only one member. However, I can assure you of this, it will be considered by the Committee.

A In a case like ours, we should be allowed to move these stones. There is no perpetual care paid on them. We do not even know the owners. They were buried there in that cemetery before our time.

Q What happens if you do move them?

A If we bought the new cemetery, we would contemplate turning the area over into a municipal park.

Q This is the newer cemetery?

A The newer cemetery, but it is a portion of land which was utilized years ago, and is not used now.





Q           That is exactly the same situation as you have, Mr. McEwan or almost exactly the same.

Of course, as I say, I cannot tell you what is going to happen. It is hard enough to remember what has happened. But as I listen to the different viewpoints of persons from different communities, it would seem to me any kind of legislation must leave those things to the people. It could be that permission could be given to cemetery boards to exercise their own judgment in those things, because I do not see how you could ever have any legislation which would cover the entire province, which would be satisfactory to very many people, because there are so many different opinions.

A           In this case, we go around the old stones, we cut the grass, and look after them, but there is not even any perpetual care on them. Those people who own the lots in the cemetery and those people who are buying lots there, are the ones who are paying perpetual care on them.

DOCTOR BERRY: How would you determine those which should be moved, would it be just those where there is no perpetual care or no owners?

A           That is right, where we cannot find any record at all.



Q Do you have many of those?

A No, I would say there would be about 12 or 16 stones approximately, from what we can find out, and about 2 dozen burials there.

BY MR. THOMAS (Ontario):

Q There is no record of the burials at all?

A Just of three.

MR. ALLEN (Middlesex South): What would happen if they did move them right now? They would have to comply with the Act.

THE DEPONENT: Another thing I would like to bring to your attention in the case of present-day burials, do you not think it would be wiser and better in the long run to use the "Perma-Crete" box instead of the rough box.

THE CHAIRMAN: You are away in advance of Canadian thinking. We were in New York to see how they handled some of their cemetery problems, and they have a tremendous cemetery operation. That is one of the things the cemetery owners are very anxious they do in New York. They told us there that there are forms that go in the wooden case which are much cheaper than a concrete vault, and they were considering the possibility of them, because of the great expense in maintaining cemeteries.



THE DEPONENT: It would cut down on the expense.

BY THE CHAIRMAN:

Q It would do away with the sinking of the graves. They were considering that. The cemeteries wanted them to make it compulsory to have concrete vaults and they said it was too expensive. It is costing them quite a bit to keep up their graves. The Director of Cemeteries for the State of New York mentioned his father and mother were buried in a cemetery, the upkeep charges of those two graves amounting to \$7.00 each per grave per year.

A It would cut down on the cost of the maintenance a great deal, because we find in three years time, the grave sinks, and we have to go and fill it, and maybe in another two years, it sinks again, and we have to do that again, and in another three years it goes again, until it has settled, but Perma-Crete vaults would do away with that.

Q Do you put in your own foundations for your monuments?

A Yes.

Q Do you go right to the bottom?

A Yes.

Q If there were regulations dealing with the



Cemeteries Act which had certain requirements for foundations for monuments, you would have no objection to that?

A           No.

THE CHAIRMAN: Would any members of the Committee like to ask any questions at this point?

BY MR. ROOT:

Q           Listening to the discussion here in Brantford, I understand you set aside 50% for perpetual care, and you still say it is not enough to maintain the cemetery?

A           No.

Q           I am wondering, from evidence we have listened to, if you ever thought of basing part of the cost on the monument or ornament, of having two funds, one for cutting grass and keeping fences up, and the other for monuments?

A           We have not taken that into consideration. I do not think it would be advisable because the rates on the monuments are different. The foundation costs are different. Some monuments are larger than others.

Q           I was thinking if it was based on the cost of the monument, would that be a good idea? For instance, if a man has \$1,000. to put on a





monument, he should pay a percentage into the cost of a fund to care for it. Those operating garden-type cemeteries say they can maintain them much cheaper because there are no monuments.

A           Certainly they can maintain them cheaper without the monuments. Some foundations cost \$25.00. Other foundations will only cost \$6.00, so you would have to work on a percentage. The person who put a large monument in, would be paying more.

Q           Perhaps he could afford it.

A           I would not say that. It is not always the rich person who puts a large monument in. We do not allow a monument to go on a lot until it is paid for. We will not put a foundation in until it is paid for because we look at it in this way: if the person can afford to buy a huge monument for that grave, they can certainly afford to pay for that lot.

BY MR. ALLEN (Middlesex-South):

Q           You are not charging enough for your plots.

A           That is true.

Q           The monument runs from \$400. to \$1,000., and you are selling a plot for \$30.

A           That is true.

Q           If you charged \$50., you would get a bigger sum.

A           I sent a letter into Doctor Berry, but I



do not think he has received it yet.

Q Because they are selling <sup>for</sup> higher prices in some sections which would simplify your problem.

A We are asking for 50% increase.

Q I do not think it is too much.

BY MR. ROOT:

Q The thought in my mind was maybe there were people who could afford a monument and could afford to pay for the care fund, to cut the grass, and the people who wanted the monument could pay that. It would have to be a dual-type cemetery, and the monument might provide more towards maintenance of the lot. I am not suggesting what you should do, but I was wondering if you had given it some thought.

A It has not been given any thought. We put all the foundations in ourselves.

Q You have regular charges?

A Yes. Our present charge is 55 cents per cubic foot, and I know of cemeteries not far away that are charging 80 cents and \$1.00. 55 cents a foot does not really pay for the cement and gravel at a six-foot depth.

BY THE CHAIRMAN:

Q I was thinking regarding your present 50% perpetual care charge, we have had recommendations or resolutions from various associations suggesting



from 35% to 50% of the sale of the lot should be put into a permanent upkeep fund. Of course, that varies according to the price of the lot. If it is 50% of \$30.00, you would have the same as 25% of \$60. I think the Committee will have to consider as to whether or not there should be a minimum per square foot. You say you have had written in your brief what it would cost to maintain a grave per year?

A Not the cost of maintaining a grave altogether. I could give you the cost of a burial. We charge \$16. and it costs us \$15. That is for digging the grave and the trim, and filling.

Q That does not look after sinking?

A That does not look after sinking.

Q I am not going to tell you what some others charge. We were just wondering if you had any information.

A I do not think you could work it out very well in our cemetery, because previous to 1930, we used to charge \$2.50 per year for upkeep for perpetual care. Of course, it was all revised and that was before my time, but now we collect 50%.

Q You have no annual perpetual upkeep now?

A No, our burials are all over the cemetery, so we have to look after the entire cemetery.



Q Do you bury in any part of the property where there is no perpetual upkeep?

A Yes, we do, where it has not been paid. Perpetual care on some lots has not been paid, and we do not know the owners, and we sell preferred single.

Q I do not understand that.

A Supposing families have all left town, and we cannot find the owners, it is just written off, but we still have to look after it.

Q But if you sell a grave there, you collect the perpetual upkeep fund on it?

A That is just half of \$33.00 and that would be for about two years ago.

Q It should be the interest which pays it.

A It should be.

Q We do meet some interesting situations. One rather interesting situation in Ottawa involved a small cemetery which had been run down . The Committee got hold of it, and decided to put it on its feet. They sold a four-grave plot for \$100.00 and put \$75.00 in the permanent upkeep fund. In a very short time, that community was going to have a cemetery which was adequately financed.

Are there any questions any members would





like to ask?

BY MR. THOMAS (Ontario):

Q I think your problem is you have to maintain plots, the owners of whom have never contributed towards the fund?

A Yes.

BY THE CHAIRMAN:

Q And there is not much you can do about that?

A Not a great deal.

MR. MOFFIT: But if we could make a small surplus of profit from now on to build up a fund, that is our aim. We do not want to create an estate, or anything like that, but we do say we should be allowed to charge enough to balance the books every year. If we had a surplus, we would build up or lower our rates, but we should hold it until we can just balance our books each year.

BY THE CHAIRMAN:

Q You do not think Doctor Berry would ever refuse you permission to do that?

MR. MOFFIT: No, we have not applied for it before. It does seem as the years go by, we have let the thing go its own way until it has got to the stage where we think we should do something



about it. Mr. Gordon said the books should balance.

THE CHAIRMAN: An operation has to be profitable to be good.

MR. MCGRAW: When you spoke of that case in Ottawa, if the City of Brantford decided to put a larger portion than 50% into the perpetual care fund, it would be perfectly legal?

THE CHAIRMAN: You should have a talk with Doctor Berry.

MR. MCGRAW: I do not know, but I think if the sale price of the lot is \$100.; \$50. goes into the perpetual care fund and the other \$50. must be expended as you go along for maintenance. Would it not be better to take \$75. and \$25. , leaving 25% for maintenance? It might be a burden on the city for a few years until the fund built up, but in the long run, it would be more economical.

THE CHAIRMAN: Why should you need that for maintenance if you are properly financed? You would not need any of the \$50.

MR. MCGRAW: No, but we have the heritage of not being properly financed in the beginning.

THE CHAIRMAN: We have with us, Mr. Clark from the Toronto General Burying Grounds. They have built up a permanent upkeep fund which is



the envy of everyone else in the cemetery business. You should have a talk with him after. I think you will find they did it by putting that money away and making the operation pay for the maintenance. For instance, when you go to buy your new cemetery, you will need money, will you not?

MR. MCGRAW: Yes.

THE CHAIRMAN: And the money you get from the sale of your land should go into a fund which is there to buy a new cemetery, should it not?

MR. MCGRAW: Yes.

THE CHAIRMAN: When you compare your charges with the charges of other cemeteries in cities of this size, I think you will find they are extremely reasonable, perhaps too much so.

Are there any further questions at this time?

Thank you very much for coming, gentlemen.

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DOCTOR HUTTON,

Medical Officer of Health, being called, but not sworn, deposes and says:

THE DEPONENT: I do not know whether I can add anything, Mr. Chairman. I can give you some figures which you might like to have. There are



51 cemeteries in Brant County. 18 are totally abandoned, 33 are open. There are 13 cemeteries in the township of Burford, either under the Township or Church Board. In Oakland Township, there are 4 cemeteries. In South Dumfries Township, there are 8 cemeteries. In Onondaga Township, there are 7. In Brantford Township, there are 17, and in the City of Brantford, there are 2.

Those are purely statistical. The cemeteries in Brantford Township, of the 8 abandoned, 6 are neglected:

- Townline Cemetery - neglected.
- Old Paris Cemetery - neglected.
- Anglican Cemetery - # 2 Highway.
- Westbrook Cemetery - neglected.
- Biggar Cemetery - only 2 acres.
- Devercaux Cemetery - neglected.

and of the 9 open, 1 is neglected.

Brant Cemetery - # 2 highway - neglected.

Onondaga Township - of the 1 abandoned, 1 is neglected.  
on Bruce Mason Farm.

Burford Township - 5 abandoned, 8 open - all in good shape.

S.Dumfries Township - of the 2 abandoned, 1 is neglected.

Union Church Cemetery - neglected.

of the 6 open, 3 are neglected.

Baptist Cemetery - St. George - neglected.

United Church Cemetery - N.of St.George - fair.

United Cemetery - Harrisburg - poor.





Oakland Township - 2 abandoned, 2 open -- all  
in good shape.

City of Brantford - 2 open - in good shape.

I think that is all I can add.

BY THE CHAIRMAN:

Q You are one of the better counties, I take  
it from that report.

DOCTOR BERRY: I think they have ~~worked~~ a great  
deal here in the Health Unit to see what could be  
done to improve it.

BY MR. GORDON:

Q The Doctor has had experience with  
representatives from the Memorial Gardens.

A Yes. They applied in January. As you know,  
plans <sup>for</sup> a new cemetery goes through the local Board of  
Health, and up to Doctor Berry. These men came and  
I thought they were bond salesmen at first, they were  
very slick gentlemen. They appeared before the  
Board of Health and the Board passed the following  
resolution:

"THAT the application from the Memorial Gardens'  
Association be forwarded to the Provincial  
Department of Health as required by the  
Cemetery Act with the expression that this  
Board feels there is no present need for extra



cemetery accommodation; and  
THAT the Board has also been advised by the  
Council of the Township of Brantford that they  
do not wish the approval of any application  
for any privately operated cemetery in the  
municipality of the Township of Brantford."

I took that to Doctor Berry, naturally,  
and he replied on March 13th of this year:

"I am attaching copy of a letter that has been  
forwarded to the Memorial Gardens Association  
Limited , at Toronto, advising that the  
Department does not see fit to issue a  
certificate of approval for the establishment  
of this cemetery."

BY THE CHAIRMAN:

Q           You seem to have taken an interest in  
cemeteries. I do not believe all the Directors of  
Health Units feel that is particularly a part of  
their work. How do you feel about it?

A           I take my instructions from Doctor Berry.  
Doctor Berry has informed the Health Officers that  
under the Cemeteries Act, they have a duty, and  
because of that, in 1949, we had a complete survey  
of the cemeteries in the County of Brant. Then we  
sent the reports to the various townships and that



report has been kept up to date.

Q We have had presentations suggesting legislation requiring the consent of the municipality that is the absolute and direct consent. That is, your municipality of Brantford Township expressed their wish to the Board of Health, which they no doubt paid attention to, but we have had municipalities who have suggested to this Committee that the consent should be the consent of the municipality.

A I certainly think it is open to question whether the Department of Health should have anything to do with it. It was not because we felt it was a health problem in Brant County Health Unit that we took an interest in it, it was the legal obligation on our part to take an interest in it. I would be very glad to be relieved of that in any future regulations.

Q You would go along with that. As an interested citizen, I might get your opinion on this also: we had representation suggesting that before a permit for a cemetery could be approved or could be issued, that the local planning board must give their approval, that it must be considered with the hope of permanent cemeteries <sup>never</sup> being established in places which turn out afterwards it would have been



wiser if they had not been there.

A I certainly agree with that, sir.

THE CHAIRMAN: Are there any further questions? Thank you very much, Doctor Hutton.

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MR. STALLWART,

appearing before the Committee, but not being sworn, deposes and says:

THE DEPONENT: We would like to have a word with this Committee, if we may.

THE CHAIRMAN: We would like to hear from either you or Chief Powless, to know their problems if they have any, and how they manage their cemeteries.

THE DEPONENT: Thank you very much for this opportunity. You are a fact-finding Committee, and I am afraid that we this afternoon came here, too, as a fact-finding committee, to see what pointers we could get on the organization and management of cemeteries. I cannot speak too well yet for the organization on the Six Nations Cemeteries, but perhaps the Chief here will care to make a few remarks on that subject.

I have not been with them too long as yet, but as I said, we are interested, and the people there are also interested in keeping up the cemeteries.

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CHIEF POWLESS,

of the Six Nations Reserve, appearing before the Committee, but not being sworn, deposes and says:

THE DEPONENT: Mr. Chairman, ladies and gentlemen, you ask us if we have any problems. We have a great many with regard to cemeteries.

We have talked about our cemeteries on numerous occasions. There is a crying need for something to be done. In Doctor Hutton's statistics, I see he did not take in Tuscarora Township, but in any event, if he had, he would have had a great many more cemeteries added to his list.

There are a great many down there and they are sadly neglected.

Firstly, the people cannot afford to pay for the upkeep. We have been trying to do something on a national scale in our own way, but we have never got around to it. There has been talk of enlarging the cemetery out at Mohawk Chapel, and we would like very much to do that. We have not anything concrete on that, either.

I would like at this time to extend an invitation to all of you to visit our Reservation if you care to, and you might get some firsthand information there.



We definitely want to do something about our cemeteries. I think one of the suggestions was made here of setting up and enacting legislation to govern the opening of new cemeteries. I think if there is that sort of legislation enacted, it should apply to our Reservation as well as everywhere else, because there are a great many religious denominations who perhaps broke away from some other religious denomination and decided they must have a little burying ground of their own.

The result is there is nothing to stop them. We have nothing in our by-laws to stop them, so they opened up these little cemeteries. Eventually, that religious sect dies out and there is the cemetery left abandoned, and an eye-sore, and we cannot do anything with it. I think something should be done.

I am in the hope something along those lines can be done to more or less help the Six Nations Council in controlling this trouble. I suppose we could enact by-laws to control that sort of thing, but we feel more and more that we want to go along with y and eventually, we feel we are going to be more of a provincial affair, and it will become more so all the time.



We are quite willing to go along with you gentlemen and help in any way we can. Also, we would like your help. I do not think I have anything further to say. As Mr. Stallwart has pointed out to you, we are here to get some pointers, to find out what can be done by you.

BY THE CHAIRMAN:

Q Thank you. I suppose Doctor Berry understands all this. No doubt a great many of your cemeteries have been opened without permits?

A Yes.

DOCTOR HUTTON: Tuscarora Township was not counted on that list of cemeteries because it is an Indian Reserve and does not come under our health organization. It is the responsibility of Ottawa. When we talk of the Brant County Health Unit, we have no authority to go into Tuscarora Township. It is a local question.

THE CHAIRMAN: Are the cemeteries under the Ontario Department of Health?

DOCTOR HUTTON: Yes.

THE DEPONENT: To be frank with you, sir, they are under no one. Some of the churches have their own cemetery, and attempt to keep them up and make them presentable, but there are a great many



private cemeteries which are nobody's responsibility at all.

BY MR. ROOT:

Q           What becomes of them when they are abandoned?   Is there no body required to maintain them?

A           No, nothing.   There are several plots which are just sitting there growing up with weeds and nothing is done about it at all.

Q           Nobody under the Federal Government is bound to look after them?

A           Nobody.

THE CHAIRMAN: Mr. Stallwart may know whether there is any way of co-operating.

MR. STALLWART: There should be ways and means of co-operating and working out a scheme whereby this could be better organized.

MR. WALKER: There would not be anything to prevent voluntary co-operation. I can see these cemeteries are of historic interest, not only insofar as the province is concerned, but insofar as the locality is concerned. If there is interest on both sides, I do not see how there would be any objection to that.

THE DEPONENT: One thing I had noticed, gentlemen, was the amount which you charge for the





different plots. I do not see how we could get anywhere near that amount. Really, I do not blame the Indian people for shying away from taxes. I see you gentlemen would seem to have to pay taxes even after death.

BY THE CHAIRMAN:

Q Quite frankly, we were wondering about the cemetery situation on the Six Nations Reserve. The Committee wondered if there was anything they could do, or whether we could get together, but from this, it looks difficult.

MR. CROSS: Can not the province enact a law whereby anybody who dies from now on, must be buried in an authorized cemetery, and not go into these small, little plots throughout the country? They have legislation on everything else.

DOCTOR BERRY: Outside of the Reservation, that is in effect now. A cemetery cannot be established without permission. That means no one can be buried except in a cemetery.

THE CHAIRMAN: What he meant was, I think, as I gather from his question, that cemeteries might be listed.

MR. CROSS: Such as some of these cemeteries Mr. McEwan pointed out, which are abandoned



such as Brant. There was a burial down there awhile ago, and it is a disgrace to the Township, but I do not think they should be allowed to bury in those places. If they do not contribute to the upkeep of that cemetery, they should not be allowed to continue using it.

DOCTOR BERRY: You are talking of the abandoned cemeteries?

MR. CROSS: They are the next thing to abandoned cemeteries.

MR. WALKER: Regarding this constitutional question, particularly, of local burying grounds, local Reservation experience has indicated a situation is developing now where there is a very close integration between the two fields of jurisdiction, in public health, for instance.

I do not think there is anything, if this Committee is so disposed, which could prevent them from taking an interest in it, and taking a look at it.

THE CHAIRMAN: I think we might do that, but it does look to me to be difficult to suggest legislation which would be binding.

MR. WALKER: That is true, but on the other hand, I suppose there is a disposition on both sides to work together and look into it.



THE CHAIRMAN: We could at least get acquainted and let one another know what was being done.

MR. WALKER: There is no state of belligerent neutrality existing between Ontario and Ottawa.

THE CHAIRMAN: I would like to say to Chief Powless that from the information which has come before this Committee, the many small cemeteries are a source of a great deal of worry. The more there are, the more difficult they are to manage and control, and to operate profitably.

THE DEPONENT: If this Committee has no jurisdiction over the cemeteries on the Reservation, they could perhaps help us by suggesting to Ottawa some of the changes which could be made.

THE CHAIRMAN: We might suggest them to you, and you could suggest them to Ottawa.

MR. GORDON: We have a Select Committee of the Legislature now working on Indian Affairs, and if they made a visit to the Six Nations Reserve, would not this Committee suggest to that Committee they look into it?

THE CHAIRMAN: It is a suggestion to other governments.

MR. GORDON: They are investigating conditions and so on, and new legislation no doubt



will be brought in on the recommendations of that Committee.

THE CHAIRMAN: Of course, legislation comes from the top down, does it not?

MR. ALLEN (Middlesex South): And recommendations come from the bottom.

MR. GORDON: I might say to Chief Powless and Mr. Stallwart we do intend to visit the Mohawk Church and the Cemetery tomorrow morning. I have told the Committee we have the oldest Protestant Church in Ontario there, and Chief Joseph Brant's tomb is at the side of the Church. We could go from there down to the Reserve, and if you care to meet us, or go with us, you could probably show us something of interest. The visit will not be very long because we have to go to St. Catherines afterwards.

MR. CROSS: Could you visit Farrington as well?

MR. GORDON: I think we should also visit the Bell Homestead as well, and then visit another cemetery which is only a stone's throw away.

THE CHAIRMAN: Mr. Cross, would you like to speak to the Committee?

EVAN CROSS (Farrington)  
appearing before the Committee, but not being sworn,





deposes and says:

THE DEPONENT: I do not know that I have anything to say. I more or less came to find out something myself. We are not quite as fortunate as the city of Brantford. We have not the taxpayers to fall back on all the time, but we are still operating anyway.

I believe the city of Brantford takes 50% for perpetual care. We are setting aside 60% for perpetual care, and 40%. We are, of course, charging more than Brantford is for our plots at the present time. If you care to come out, our church is over 100 years old. It is a private cemetery, although the public take advantage of it. Nobody makes any money. The caretaker is the only one who gets any money out of the transaction at all. Everything else is done free. We would like you to come out and see it.

BY THE CHAIRMAN:

Q We have been asking the question regarding perpetual care. In some places, they say 15% is too great an amount to be put aside for perpetual care, and 10% should be enough. Then we come here, and find one group putting away 50% and another group putting away 60%.



We had a privately-owned cemetery representative appearing before us some little time ago, who was quite certain 10% was all that was necessary to be put in the permanent upkeep fund.

MR. GORDON: It all depends on what you charge, what percentage you take.

BY THE CHAIRMAN:

Q Is yours a company cemetery?

A It started as an independent church. A few of the congregation wanted to be buried there, and they started a burying ground, and it has gone on and on since then.

We have some members who donated to the bookkeeping service, and the rest of them worked on the Board, but the caretaker is the only one who gets any money out of it.

The only revenue we have is from the sale of lots. We have no other revenue. The caretaker gets his fee for digging the graves and taking care of the flowerpots and foundations and so forth. All we get is the interest from the permanent trust fund.

Q Was it endowed? Did you have someone bequeath some money to it?

A We have considerable endowment now, but we did not have at the start.



MR. ROSS BECKETT,

appearing before the Committee, but not being sworn, deposes and says:

THE DEPONENT: As Chairman of the Board appointed by the Government to administer the Funeral Directors and Embalmers Act, and I do not want to say anything.

I have listened with interest here, and I could express a personal opinion, but I will not do that either.

By way of information, you stated you had been to New York where they have been discussing the possibility or advisability of vaults rather than individual types of receptacles for the caskets.

For your information, there is a new cemetery just established in Vancouver which is perhaps because of its locale, something new. The land is terraced and there are 3,000 cement vaults being put in there and covered with earth. When there is a burial, they have to take the earth off the top, and that is all there is to do, and it will not cost them as much as individual vaults.

That, I think, is a trend which we will come to one of these days, to get away from the maintenance which cemeteries are now having so much trouble with. It is a new idea which has been



started in Vancouver.

BY THE CHAIRMAN:

Q Have you ever used any of these slabs?

A We have used two-inch oak and cement made of "Perma-Crete".

Q What was the name of that again?

A "Perma-Crete." If the cemetery can originally set up the vaults in the earth and have the earth drawn over the top, when you want to make a burial, it is already there for you, and it does not cost nearly as much as individual receptacles.

Q They would have to be sure there was no moisture?

A Yes, I suppose they would, but that is the new trend. It is the easiest thing for those who have the cemeteries to maintain and it will not put families to the individual expense of vaults.

Q The vault holds a number, and is it below the ground?

A No, they are level. The vault is a unit with partitions inbetween, but they do not cost nearly as much as individual ones do. Instead of charging \$16.00, they would probably add \$15.00 on top of that, and you would have your cement vault with no sunken grave or anything else. It is a suggestion you can





pass along to the cemetery people, who are having so much trouble.

Q           There is no city in Ontario which is first more often in everything, I might say.

A           That may be so. I am happy to see you gentlemen here and to hear what is being done about different things, but I would be very foolish indeed if I expressed an opinion as regards the type of cemetery in existence in Ontario, or those which are being proposed.

Q           We want to thank you for the interest you have taken. I am encouraged to think we have learned something about cemeteries, because Mr. Clark whom I was telling you about, told me we were beginning to know something about cemeteries. That was very encouraging.

          We do find in regard to the possibility of improving cemetery operations in the province, that there is a great problem, not only in large cities, as you know, but also in regard to cemeteries such as yours, which are well managed, and are spots of beauty. But one of things which we are considering, even among some of the cemeteries which are very prosperous today, is that those cemeteries will not become charges finally upon the



municipality.

We find, as we gain knowledge -- and it is not our duty to go and inspect the books of cemeteries and find out how much they have in their permanent upkeep fund, if they care to tell us, alright, but <sup>if</sup> they do not care to tell us, it is their individual business - - we find there are cemeteries which do not appear to have sufficient money in their permanent upkeep fund to assure that cemetery will be well taken care of after the sale of lots has ceased. When the sale of lots ceases, as you have mentioned today, you have taken that money and used it for maintenance, and some day you will reach the place in that cemetery where you will not sell any lots. By saving and adding to that money, it is surprising how quickly it builds up.

MR. MOFFIT: I was thinking the other day that if we had left that 50% in that fund together with the perpetual care fund, we would have been getting enough revenue now to take care of the maintenance. It was definitely short-sighted business to do it right along. We should not be allowed to take one cent of that money.

THE CHAIRMAN: Capital should be set aside and not touched.



MR. MOFFIT: The cemetery should definitely stand on its own feet. Perpetual care money could be 75% and the money for the purchase of new land could be 25%.

THE CHAIRMAN: We certainly appreciate your coming out here today. Doctor Berry was largely instrumental in making sure we came and saw a well-managed cemetery and how it was being conducted. This is one of the first municipal cemeteries we have seen.

I want to thank you all again for your appearance here today.

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---Whereupon at 5:30 o'clock, the further proceedings of this Committee adjourned until Thursday, Nov. 5th, 1953, at 10:00 in Toronto.

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